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MERCENARY TRAINING CAMPS

HEARING

BEFORE THE

SUBCOMMITTEE ON SECURITY AND TERRORISM

OF THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

U.S.-BASED PRIVATE COUNTERTERRORISM/MERCENARY TRAINING CAMPS

OCTOBER 2, 1985

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MERCENARY TRAINING CAMPS

WEDNESDAY, OCTOBER 2, 1985

U.S. SENATE,
SUBCOMMITTEE ON SECURITY AND TERRORISM,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 106, Dirksen Senate Office Building, Hon. Jeremiah Denton (chairman of the subcommittee) presiding.

Also present: Senators McConnell and Leahy.

Staff present: Joel S. Lisker, chief counsel and staff director; J. Andrew Hartsfield IV, counsel, and Fran Wermuth, chief clerk.

OPENING STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM THE STATE OF ALABAMA; CHAIRMAN, SUBCOMMITTEE ON SECURITY AND TERRORISM

Senator DENTON. Good morning, ladies and gentlemen. This hearing will come to order.

This morning we will commence the hearing on U.S.-based private counterterrorism/mercenary training camps, a growing national phenomenon which may impact our foreign policy, our relations with other national states, the safety of the public, and the image of the United States abroad.

In November 1984, Alabama was castigated in the national and international media for being the home of a training camp for terrorists and assassins. Some of the charges were incorrect and unfair. However, there is room for concern and a need for investigation.

The storm of controversy to which I refer centered around the RECONDO Merc School which is operated by Mr. Frank Camper in conjunction with the Mercenary Association in Dolomite, AL, in Jefferson County near Birmingham. The infamy which this school achieved in the media resulted from the disclosure that several Sikh students attending a 2-week session at the camp were there to obtain the necessary training and weapons to assassinate, in the United States, Indian Prime Minister Rajiv Gandhi and Mr. Bajan Lal, Chief Minister of the State of Haryana, India.

When I became aware of this activity in Alabama, I sent two people from the subcommittee staff to Alabama to interview Mr. Camper and investigate the activities of his training facilities. The four photographs which you see were taken by my staff during that visit.

The first picture on the left shows the office out of which Mr. Camper runs his training camp. The next two pictures show Mr.

Camper with some of the firearms he uses for his training. Most of the weapons shown in the second and third pictures are actually nonfunctional replicas. The three weapons shown in the fourth photograph, however, are fully functional automatic weapons that Mr. Camper has in his possession. In the fourth photo you see a Sterling automatic, a MAC–10 with a suppressor, and, on the bottom, an Uzi submachinegun.

In this context, I asked the FBI for the facts surrounding the attempted assassinations and for detailed information about other camps in the United States, such as the number of these camps, the location, the curricula, and any association, if known, with black or white hate groups. The Bureau was unable to respond to any of these questions, although one senior Bureau official expressed the view, privately, that the camps did not pose a problem for the Bureau.

In light of this dearth of information on such an important matter, I asked the FBI to undertake a survey through its field offices and resident agencies for the purpose of obtaining answers to these questions. I expect that the results of that survey will form part of the FBI's testimony today.

Last year Chairman Thurmond and I introduced on behalf of the administration four counterterrorism bills, three of which have been enacted into law. The fourth bill dealt with the proscription of certain military training in the United States and other actions which might assist nations, groups, organizations, and factions which the Secretary of State would designate as terrorist with authority as vested in this bill. However, the bill met with severe obstacles both in the Senate and in the House. Because the language of the bill was overly broad, there were serious concerns regarding proscription of protected speech, voluntary cash contributions, associations, et cetera.

Several unsuccessful attempts were made by the Department of Justice to cure the defects in the bill, and other legislative approaches were tried, again without success. Finally, the Department of State amended the International Trafficking in Arms Regulations to deal with a major part of the problem. These matters are relevant to the legal status of Mr. Camper's training camp and other similar facilities located throughout the United States. Today's hearing will establish the basic contemporary rule of law pertaining to such camps. It is not this Senator's intention to examine the morality or advisability of whether to permit the training of individuals in paramilitary technique for whatever lawful use to which they may choose to put their training.

The Department of Justice will address in its testimony whether these camps invite violations of the Foreign Mercenary Recruitment Act, the act prohibiting military expeditions against a friendly nation, the Munitions Control Act, the Foreign Agents Act, or any other Federal laws.

I want to welcome today's witnesses, who will testify in two panels. The first panel will consist of Victoria Toensing, Deputy Assistant Attorney General of the Department of Justice; Mark Richard, Deputy Assistant Attorney General of the Department of Justice; Michael Matheson, Deputy Legal Adviser of the Department of State; William B. Robinson, Director of the Office of Munitions

Control from the Department of State; and Parker Borg, Deputy Director for the Office of Combatting Terrorism and Emergency Planning of the Department of State.

The second panel will consist of Wayne Gilbert, Deputy Assistant Director of the Criminal Investigative Division of the Federal Bureau of Investigation, and Daniel Hartnett, Deputy Associate Director for the Bureau of Alcohol, Tobacco and Firearms.

I would ask each witness to summarize their testimony in approximately 5 minutes and a copy of the written statement will be submitted for the record.

I want to welcome my colleague and friend from Vermont, Senator Leahy, who has been most helpful through his own expertise, from his enthusiasm, and from his position on the Intelligence Committee, and ask if he has an opening statement.

OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Senator LEAHY. Thank you, Mr. Chairman.

I want to thank you for having these hearings. I think they are extremely important. I look at some of these weapons and compare them to the sort of weapons that some of the people I prosecuted had when I was a district attorney. They were almost back in what was considered the bow and arrow days, compared to what we face today. As the Chairman knows, and I see Mr. Richard who I am sure also realizes, these are not by any means the most sophisticated weapons that we see in the street, that those who have to protect Americans or others from terrorists both here or abroad have to face. The enormous firepower of weapons today, their easy transportation and availability to terrorist groups, their interchangeability, the fact that ammunition is now available in virtually any part of the world for some of these weapons, should cause enormous concern. It causes me concern, Mr. Chairman, not only as a ranking member of this subcommittee, but also as the chairman of the Intelligence Committee.

We face a broad threat from terrorists groups abroad; it is one of the greatest threats we have ever had. And, quite frankly, this country is at least 5 years behind where it should be in combating terrorists abroad. Terrorists have been able to change our defense policy and limit the ability of Americans to travel safely in other parts of the world. We have been negligent as a country in not moving fast enough to combat terrorism.

We are moving fast to catch up, and I hope we can. If we do not, then we are going to find our foreign policy and defense policy, and economic policy, and our ability to travel abroad, shaped not by our own views of the world or by our own initiatives, but by a small handful of spiteful terrorists.

In this country I am concerned because I see the possibility of terrorism being exported to the United States, and what that can do to a nation that prides itself on being the most open and free nation in the world. I see the ability of these domestic terrorist groups to make us change some of our policies, to lose openness and freedom that we have. If they are able to do that, they will succeed at something that all the people in two World Wars were

never able to do to this country—to roll back or stop 200 years of democratic constitutional history and evolution and development as a nation. Groups of American citizens have allowed themselves to be used to do that, allowed themselves to bring about terrorism within this country. It endangers our constitutional development and history as a nation in a way that all the powers in two World Wars were unable to do.

Paramilitary training in and of itself, as the chairman has suggested, does not pose any serious law enforcement problem. It might pose a health problem to overweight, middle-aged "weekend warriors" who are running across fields, and who might be better off with a CPR course than a firearms training course. But some of it is either aimed at dangerous individuals, such as the Sikh terrorists seeking to assassinate Prime Minister Gandhi, or at groups like the Aryan Nation and the Covenant, Sword and Arm of the Lord. It is the activities of these groups and individuals that I hope we will focus on today. We need hard answers about the threat we face, and the ability of law enforcement to respond. We need to know where they are located, who is running them and who is being trained. How many are foreign nationals and from which country, and how many of them are engaged in counterterrorism overseas. Are any of them serving in foreign armies or serving as a conduit to bring foreign terrorists back to this country? Are they organized into any sort of cohesive movement? Are they being trained in the use of automatic weapons or explosive devices to carry out terrorist activities? We want to know what kind of threat they pose to our own citizens, and to our law enforcement officers.

I might say, Mr. Chairman, that our subcommittee and the full Judiciary Committee can take credit for the fact that for the past 4 or 5 years we have been in the forefront, in a totally bipartisan way, in urging and providing the funds for the FBI to increase its counterterrorism activities way beyond what had been requested of us. We are beginning to see some very positive results.

I use the infiltration of the terrorists who intended to assassinate Prime Minister Gandhi as a prime example of what can be done with adequate resources. Service in the FBI in counterterrorism is worthy of promotion, pay, dignity, and honor.

And so, Mr. Chairman, I want to publicly thank you for having these hearings, because they are extremely worthwhile.

Senator DENTON. Well, thank you, Senator Leahy.

As usual, you made a substantive opening statement, which contributes to our respective committees and, indeed, I must add before turning to our third colleague, there is no question that terrorism is a very poorly understood thing, even by our media, and especially by our Government, which Senator Leahy has lamented.

I would have to mention my own slant on things. I do agree that there is a great proliferation of groups which are involved in this, but I do not believe that all of them are small. I think, as it has been pointed out, there are some large groups, somewhat coordinated, which have been rather formally organized since around the late 1960's, and constitute a factor to contend with, as well as the many small groups which proliferate.

I did not mean to suggest, Senator Leahy, that I think that all such camps which might operate in the United States are innocent.

I know you did not mean to imply that. I do not know which ones are, which ones are not. That is the purpose of this hearing today, of course, to get a handle on that question.

We have another member of our subcommittee here who has a very substantial legal background himself and has been very faithful and an important contributor to this committee's activities. I refer to Senator Mitch McConnell from Kentucky.

Do you have a statement you would like to read, Senator?

OPENING STATEMENT OF HON. MITCH McCONNELL, A U.S. SENATOR FROM THE STATE OF KENTUCKY

Senator MCCONNELL. Thank you, Senator.

I want to commend you for holding these hearings in this most important area. I, like Senator Leahy, am on the Intelligence Committee and have an interest in this whole field. Unfortunately, as is often the case in this body, I must go chair a hearing, so I am going to miss the first of this three-part series, but I do intend to be involved in it, Mr. Chairman, and expect to attend as many of the hearings as I can.

So without further ado, I will turn it back to you, and we will move ahead with it.

Senator DENTON. Thank you, Senator McConnell.

Let me call upon Mr. Mark Richard, Deputy Assistant General, Department of Justice, and Victoria Toensing, Deputy Assistant General, of the Department of Justice, to offer any opening statement they care to make.

STATEMENT OF A PANEL, CONSISTING OF MARK RICHARD, DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE; VICTORIA TOENSING, DEPUTY ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF JUSTICE; AND MICHAEL MATHESON, DEPUTY LEGAL ADVISER, DEPARTMENT OF STATE, ACCOMPANIED BY CLYDE BRYANT, CHIEF, SUPPORT SERVICES DIVISION, OFFICE OF MUNITIONS CONTROL, DEPARTMENT OF STATE

Ms. TOENSING. Good morning, Mr. Chairman. I will speak for both of us for a few minutes.

The Department of Justice would like to thank you for asking us to participate, and we also would like to commend you for your interest in this very important area. Mr. Richard and I share terrorist responsibility. I want you to understand a little bit of how the Department organization works regarding terrorism.

He has more international jurisdiction, and I have domestic terrorism, but, because, as we all know, terrorism crisscrosses national lines, Mr. Richard and I usually end up working together on terrorism issues.

In my statement, which has been submitted for the record, there are lists of various criminal statutes that could be possibly used for investigations of these mercenary camps. I will spare the committee my reading all of these statutes. They are there for the record. I am sure that after the panel is through testifying, you will have questions, and Mr. Richard and I are available to answer them.

Mr. Chairman, thank you very much.

[Ms. Toensing's prepared statement follows:]

PREPARED STATEMENT OF VICTORIA TOENSING

Mr. Chairman and members of the Subcommittee, my name is Victoria Toensing. I am a Deputy Assistant Attorney General in the Criminal Division of the Department of Justice. I am pleased to be here today to discuss with you the of various criminal statutes potentially applicable to "mercenary counter-terrorism training camps" in the United States.

The Department of Justice has received a number of letters pertaining to these training camps, letters from both concerned members of Congress and from concerned citizens. It is of the utmost importance that these concerns be addressed.

There are a number of federal criminal and regulatory statutes that might be applicable to "mercenary counter-terrorism training camps." One such statute is the Arms Export Control Act (22 U.S.C. § 2778), and the accompanying International Traffic in Arms Regulations (22 C.F.R. §§ 120 et seq.), violations of which are investigated by the United States Customs Service. The Act requires persons engaged in the business of exporting or importing defense articles or defense services to obtain a license from the Department of State. See 22 U.S.C. § 2778(b). The Regulations define defense articles as those items on the United States Munitions List (see 22 C.F.R. §§ 120.7 and 121.1), a list containing twenty-one general categories, including categories for firearms, for artillery projectors (e.g. mortars, recoilless rifles, and flamethrowers), for ammunition, for launch vehicles, missiles, rockets bombs and mines, and for explosives, propellants, and incendiary agents. Most importantly, effective as of January 1, 1985, the International Traffic in Arms Regulations define "defense services" as the furnishing of assistance, including training,

in the use or operation of those articles on the United States Munitions List. See 22 C.F.R. § 120.8. Thus, the operator of a training camp who trains foreign persons in the use of any weapon on the Munitions List would be required to obtain a license. The Regulations define a "foreign person" as a person who is not a citizen or national of the United States within the meaning of the Immigration and Naturalization Act; the term includes foreign corporations, international organizations, and foreign governments. See 22 C.F.R. § 120.11. A violation of either the Arms Export Control Act or the International Traffic in Arms Regulations is punishable by imprisonment for up to ten years, or by fines of up to $1,000,000, or by both. See newly amended 22 U.S.C. § 2778(c).

Another group of federal criminal and regulatory statutes potentially applicable to these training camps are the federal firearms statutes. These include Title I of the Gun Control Act of 1968 (18 U.S.C. §§ 921 et seq.), Title II of the same Act (26 U.S.C. §§ 5801 et seq.), and Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. App. §§ 1201 et seq.), statutes over which the Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms has primary investigative responsibility. Title II, for example, creates a tax and registration scheme which extends not only to so-called "gangster-type" weapons, such as sawed-off shotguns, and machine guns, but also to machine gun frames, combinations of machine gun parts, incendiary or poisonous gas bombs, grenades, rockets with a propellant charge of four ounces or more, missiles having an explosive or incendiary charge in excess of one quarter ounce, mines, molotov cocktails and other "homemade" incendiary or explosive devices, weapons with a bore of at least one-half inch (e.g., mortars, antitank guns, and artillery pieces), and any combination of parts designed for converting a device into one of the foregoing weapons. A

violation of Title II is punishable by imprisonment for up to ten years, or by fines of up to $10,000, or by both.

Yet another federal criminal regulatory statute with likely applicability to these camps is the federal explosives statute (18 U.S.C. §§ 841 et seq.), a statute which includes a licensing and registration scheme to control interstate and foreign commerce in explosives. The term "explosives" encompasses, inter alia, dynamite and other high explosives, black powder, initiating explosives, detonators, detonating cord, squibs, igniters, and igniter cord. See 18 U.S.C. §§ 841(d) and 844(j). Violators of the federal explosives statute are exposed to substantial penalties. See 18 U.S.C. § 844.

Finally, two other federal criminal statutes potentially applicable to these training camps are 18 U.S.C. §§ 956 and 960. Section 956 proscribes conspiracies by persons within the jurisdiction of the United States to destroy property situated within a foreign country and belonging to a foreign government with whom the United States is at peace, or any railroad, canal, bridge, or other public utility so situated. A violation of this statute is punishable by imprisonment for up to three years, or by fines of up to $10,000, or by both. Section 960 (the Neutrality Act) prohibits persons within the United States from launching military enterprises against a nation with whom the United States is at peace. A violation of this statute is punishable by imprisonment for up to three years, or by a fine of up to $3,000, or by both.

Despite the broad coverage of these statutes it is possible, under certain circumstances, to conduct a training camp without violating any of these statutes.

Mr. Chairman, this concludes my prepared statement. I should be pleased to respond to any questions you or the Subcommittee may have.

Senator DENTON. Michael Matheson, Deputy Legal Adviser, Department of State.

STATEMENT OF MICHAEL MATHESON

Mr. MATHESON. Thank you, Mr. Chairman. I am also speaking on behalf of Mr. Bryant and myself.

We welcome the opportunity to appear before your subcommittee today to review the operation of the Federal laws and regulations administered by the State Department that may apply to certain types of training camps in the United States, with particular reference to the possible training of foreign nationals in skills potentially useful for terrorist activities. This administration is, of course, strongly committed to the fair and effective enforcement of U.S. law in this area, and in particular to taking effective action against any activities within the United States that might contribute materially to terrorist actions here or abroad.

As a matter of policy, the administration is determined to make every effort to combat terrorism, at home and internationally, within the limits of our laws and basic moral values. Cooperation from other governments is vital for success in curbing terrorism abroad—which often chooses our facilities and citizens as targets. As Judge Sofaer, the State Department Legal Adviser, mentioned during a July 30 hearing before this committee, it is incumbent on us to demonstrate at home our willingness to cooperate with other governments where they might be threatened by terrorism, just as it is incumbent on us to take every legal effort to ensure that terrorism and terrorists are not aided or abetted, deliberately or inadvertently, in the United States. Therefore, we take very seriously the issues raised by today's hearing.

I believe the representatives of the Department of Justice and the FBI will address the operation of the U.S. laws for which they have primary responsibility, including the neutrality laws and Federal firearms controls. I would like to offer a brief summary of the relevant laws and regulations administered by the State Department, and in particular certain steps which the Department has taken or supported this year to deal more effectively with possible problems in this area.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) authorizes the President, in furtherance of world peace and the security and foreign policy of the United States, to control the import and export of defense articles and services and to provide foreign policy guidance to persons in the United States involved in their export and import. The President is authorized to issue regulations for this purpose, and to designate a list of items to be considered as defense articles and services, which is known as the United States Munitions List.

The responsibility for issuing and administering these regulations has been delegated by Executive order to the State Department, and the Department has issued a detailed set of regulations known as the International Traffic in Arms Regulations, or ITAR. (They appear in 22 CFR, parts 121–130.) These regulations are primarily administered by the Director of the Office of Munitions Control in the Department's Bureau of Politico-Military Affairs,

with appropriate coordination with the Department of Defense and other concerned Federal agencies.

These regulations are primarily focused on exports, in the traditional sense, of defense articles and services to foreign countries. In this area, the Department is very sensitive to the question of possible use or diversion for terrorist purposes by foreign recipients; the Department will not license exports to any foreign recipient where there is reason to believe that such use or diversion would occur, and strict controls are imposed on reexport and retransfer of the items licensed.

In addition, the Department has always recognized that the transfer to foreign nationals in the United States of certain types of information relating to defense articles, such as in the course of training on their manufacture, use and maintenance, could have the effect of circumventing our traditional export controls, and licenses have therefore been required for such transfers. However, it had been the practice of the Department prior to this year to control the training of foreign nationals in the use of defense articles only if it involved the disclosure of technical data, a more narrowly defined category of technical information not available to the general public. As a result, certain types of training activity that might be of significant value to potential terrorists, such as training in the use of weapons and explosives, was not necessarily regulated under the ITAR.

The Department made a special effort to deal with this problem during the course of a general revision of the ITAR conducted last year. The revised ITAR, which was brought into effect on January 1 of this year, now explicitly provides that the approval of the Department's Office of Munitions Control must be obtained before any training of foreign persons, whether in the United States or by U.S. persons abroad, in the manufacture, use, operation, repair, maintenance or modification of defense articles on the munitions list, whether or not technical data is transferred. (A copy of the new ITAR provisions is attached to my prepared statement.)

The Department's approval is therefore now required for such activities as the training of foreign persons in the United States on the use and maintenance of military firearms and munitions, the assembling and use of explosive devices, and the operation of military aircraft and vessels. These are obviously skills of potential use to terrorists, and we intend to regulate them carefully.

We understand, of course, that persons who are not usually involved in the arms export business may not necessarily be aware of such changes in the Department's regulations and practice on this subject. We therefore are in the process of taking additional steps to inform U.S. persons who may be involved in training activities that might fall within our new controls of their potential obligations under the ITAR, and to provide appropriate advice and assistance to them as required to comply with the law. We believe that, in doing so, we not only help avoid damage to U.S. interests and to our general antiterrorism policy, but also help such U.S. citizens to avoid situations they would not knowingly want to become involved in.

In addition to this change in the ITAR, the Department has urged Congress to amend the Arms Export Control Act to increase

the criminal and civil penalties for violations so as to be commensurate with the potentially serious effect such violations could have for U.S. interests. In July of this year, the Congress adopted our recommendations in the form of section 119 of the International Security and Development Cooperation Act of 1985. That section amends section 38(c) of the Arms Export Control Act to provide for a fine of up to $1 million, or a term of imprisonment of up to 10 years, or both for any willful violation of section 38 or the regulations issued under it, or any willful untrue statement or material omission in any required license application or report. It also provides for a civil penalty of up to $500,000 for violations of our regulations.

We believe we now have an appropriate basis for vigorous enforcement of the ITAR in this area. Within the State Department, the Office of Munitions Control has primary responsibility for the administration of these controls, including the review of any information provided by our posts overseas (or by other sources) of possible violations of the regulations. This is done in consultation, as appropriate, with the regional bureaus at State, the Legal Adviser's Office, the Intelligence and Research Bureau, and other U.S. agencies which might have relevant information. Where further field investigation of such information is desired, the Department relies primarily on the U.S. Customs Service, which has extensive expertise and capabilities concerning export transactions. Where appropriate, the FBI may also become involved in such investigations. If the facts uncovered indicated that criminal prosecution is in order, the Justice Department and the appropriate U.S. attorney take over the case.

With respect to possible training activity in the United States in violation of the ITAR, the Department has requested that the FBI play a more active investigatory role than is usually the case, since these activities do not involve the sort of export transactions with which Customs is most familiar, since these activities may occur in regions where the FBI may have more personnel and resources available, and since potential violations of other Federal laws might be involved. We are consulting with the Justice Department and the FBI on this point.

We therefore believe, Mr. Chairman, that we are now in a position to take effective action to control any training activities of foreign persons in the United States in munitions list items that might support terrorist actions here or abroad. If our experience under these regulations should suggest a need for further revisions or for additional legislative authority in this area, we will take appropriate steps to secure it.

We would be happy to answer any questions that you may have.

[Mr. Matheson's prepared statement and new ITAR provisions follow:]

PREPARED STATEMENT OF MICHAEL MATHESON

We welcome the opportunity to appear before your subcommittee today to review the operation of the Federal laws and regulations adminstered by the State Department that may apply to certain types of training camps in the United States. This administration is, of course, strongly committed to the fair and effective enforcement of U.S. law in this area, and in particular to taking effective action against

any activities within the United States that might contribute materially to terrorist actions here or abroad.

Section 38 of the Arms Export Control Act authorizes the President to control the import and export of defense articles and services and to provide foreign policy guidance to persons in the United States involved in their export and import. The responsibility for issuing and administering export regulations under this section has been delegated by Executive order to the State Department, and the Department has issued a detailed set of regulations known as the International Traffic in Arms Regulations, or ITAR. These regulations are primarily focused on exports, in the traditional sense, of defense articles and services to foreign countries. In this area, the Department is very sensitive to the question of possible use or diversion for terrorist purposes by foreign recipients; the Department will not license exports to any foreign recipient where there is reason to believe that such use or diversion would occur, and strict controls are imposed on re-export and retransfer of the items licensed.

However, it had been the practice of the Department prior to this year to control the training of foreign nationals in the use of defense articles only if it involved the disclosure in various circumstances of so-called technical data. As a result, certain types of training activity that might be of significant value to potential terrorists, such as training in the use of weapons and explosives, were not necessarily regulated under the ITAR.

The Department made a special effort to deal with this problem during the course of a general revision of the ITAR conducted last year. The revised ITAR, which was brought into effect on January 1, of this year, now explicitly provides that the approval of the Department's Office of Munitions Control must be obtained before any training of foreign persons, whether in the United States or by U.S. persons abroad, in the manufacture, use, operation, repair, maintenance or modification of defense articles on the Munitions List, whether or not "technical data" is transferred.

The Department's approval is therefore now required for such activities as the training of foreign persons in the United States on the use and maintenance of firearms and munitions, the assembling and use of explosive devices, and the operation of military aircraft and vessels. We are also in the process of taking additional steps to inform U.S. persons who may be involved in such training activities, and to provide appropriate advice and assistance to them as required to comply with the law.

In addition to this change in the ITAR, Congress has acted this year on the Department's proposal to amend the Arms Export Control Act to increase the criminal and civil penalties for violations so as to be commensurate with the potentially serious effect such violations could have for U.S. interests. A fine of up to $1 million, or a term of imprisonment of up to ten years, or both is now provided for any willful violation of the ITAR, or any willful untrue statement or material omission in any required license application or report. A civil penalty of up to $500,000 is also provided for.

We believe we now have an appropriate basis for vigorous enforcement of the ITAR in this area. Within the State Department, the Office of Munitions Control has primary responsibility for the administration of these controls, including the review of any information provided by our posts overseas (or by other sources) of possible violations of the regulations. This is done in consultation, as appropriate, with the regional bureaus at State, the Legal Adviser's Office, the Intelligence and Research bureau, and other U.S. agencies which might have relevant information. Where further field investigation of such information is desired, the Department relies primarily on the U.S. Customs Service, which has extensive expertise and capabilities concerning export transactions. Where appropriate, the FBI may also become involved in such investigations. If the facts uncovered indicate that criminal prosecution is in order, the Justice Department and the appropriate U.S. attorney take over the case.

We therefore believe, Mr. Chairman, that we are now in a position to take effective action to control any training activities of foreign persons in the United States in Munitions List items that might support terrorist actions here or abroad. If our experience under these regulations should suggest a need for further revisions or for additional legislative authority in this area, we will take appropriate steps to secure it.

We would be happy to answer any questions that you may have.

[New ITAR provisions follow:]

NEW ITAR PROVISIONS

22 CFR (CODE OF FEDERAL REGULATIONS)

§ 120.8 Defense services

Defense service means:

(a) the furnishing of assistance, including training, to foreign persons in the design, engineering, development, production, processing, manufacture, use, operation, overhaul, repair, maintenance, modification, or reconstruction of defense articles, whether in the United States or abroad: or

(b) the furnishing to foreign persons of any technical data, whether in the United States or abroad.

* * * * * * *

§ 124.1 Manufacturing license agreements and technical assistance agreements

(a) *General.* The approval of the Office of Munitions Control must be obtained before the defense services described in § 120.8(a) of this subchapter may be furnished. In order to obtain such approval, the U.S. person must submit a proposed agreement with the foreign person concerned to the Office of Munitions Control. Such agreements are generally characterized as either "Manufacturing license agreements" or "technical assistance agreements" as defined in § 120.14 and § 120.20, and may not enter into force without the prior written approval of the Office of Munitions Control. Once approved, the defense services described in the agreements may generally be provided without further licensing in accordance with § 124.3 and § 125.4(b)(2). The requirements of this section apply whether or not technical data is to be disclosed or used in the performance of the defense services described in § 120.8(a) (e.g., all the information relied upon by the U.S. person in performing the defense service is in the public domain or is otherwise exempt from the licensing requirements of this subchapter pursuant to § 125.4). This requirement also applies to the training of foreign military forces, both regular and irregular, in the use of defense articles. Technical assistance agreements must be submitted in such cases. (In exceptional cases, the Office of Munitions Control, upon written request, will consider approving the provision of defense services described in § 120.8(a) by granting a license under Part 125. Also, see § 126.8 for the requirements for prior approval of proposals relating to significant military equipment.)

Senator DENTON. Thank you very much.

I will direct my first questions to the two of you. We are interested in constructing a record of existing laws and gain a better understanding of where we now are, and perhaps some glimmering of where we might be proceeding.

S. 2626, as I mentioned, introduced in the 98th Congress, would have permitted the Secretary of State to make a finding that:

> Acts or likely acts of international terrorism of a foreign government, faction, or international terrorist group are such that the national security, foreign relations, or the physical security of the person or property of a private entity of the United States warrant a ban on the foreign government's, faction's, or international terrorist group's receipt of services or other assistance in support of such acts.

If such a finding were made by the Secretary, S. 2626 would have made it unlawful for any person or entity within the boundaries of the United States, its territories or possessions to provide training, logistical support or recruitment services to such government or entity.

That bill has not been reintroduced in the 99th Congress, but we do have effective, as of January 1 this year, the revised International Traffic in Arms Regulations, to which you referred, which prohibit U.S. persons from training a foreign person in the use of defense articles, which includes firearms, until the U.S. persons submit to the Munitions Control Office of the Department of State a copy of the agreement with the foreign person.

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How much established experience have you had in dealing with that procedure? Exactly what procedural steps are required by the ITAR regulation for a U.S. person who wishes to train a foreign person in the use of defense articles?

Mr. MATHESON. We have not had a lot of practical experience so far in implementing these controls. We have been focusing primarily to date on informing our diplomatic posts and law enforcement officials of the changes and taking additional steps to alert people involved in these activities, but we have not basically had much in the way of practical implementation.

In terms of what is required of the individual, someone who proposes to provide training or other forms of assistance in the use or maintenance of the items, as you mentioned, Mr. Chairman, must apply to the Office of Munitions Control and submit a copy of the proposed agreement with that foreign person.

The Office of Munitions Control would then process the application and either grant or deny it, and the individual, if the agreement is approved, may proceed.

Senator DENTON. Is there a form for the application? Who precisely in the Department of State is dealing with this so far?

Mr. MATHESON. There is a good deal of information in the ITAR about the precise information that has to be submitted, what form it must take, what particular clauses it must contain. It actually covers several pages, but we would be glad to provide a copy for the record of the entire document. The Office of Munitions Control, which is in the Politico-Military Bureau of the State Department, processes these applications and makes decisions upon them.

Senator DENTON. And these regulations would apply to an individual who runs a mercenary training camp and trains persons from foreign countries?

Mr. MATHESON. If he trains them in the use of or maintenance of munitions list items, yes.

Senator DENTON. When a person submits a training contract with a foreign person to the Munitions Control Office for approval, does that office have authority to deny the application or do the regulations simply state a notice requirement for persons wishing to train foreign nationals?

Mr. MATHESON. We certainly do have the authority to deny such an application.

Senator DENTON. You have mentioned that there are a lot of procedures specified within the regulations. Could you cite a section where we could find the procedure to which you just referred?

Mr. MATHESON. Yes, sir; I would suggest that you look at part 120, part 121, and part 124 of the ITAR, which will contain the information on precise procedural details of the applications and approval.

Senator DENTON. What are the guidelines by which the judgment would be based on whether or not to allow the training? Could you tell us that?

Mr. MATHESON. We would look at each application on a case-by-case basis, and there would be a number of factors we would consider. We would consider both the possibility that training may be used for terrorist purposes and the possible effect that such train-

ing in the United States might have on bilateral relations. There might be other factors.

Senator DENTON. One of the problems which has arisen during informal discussions with various agencies is the obvious problem that any individual trained with weapons, whether or not he intends at that moment to use them for terrorist operations, can make up his mind later to do that. How do you make the judgment before the fact as to whether a weapon will be used for terrorism? Obviously, any weapon could be used for terrorist activities? Are we then saying that we will not permit any training because we make the assumption that the individual is going to use it for terrorism?

How do you deal with that?

Mr. MATHESON. We do not hold that view at all. There may be cases where that judgment is necessary, for example where individuals are known to be members of groups that are involved in terrorist activities abroad. So all I can say, sir, is that we will have to look at each case on its own facts; in some cases, the judgments will be easy, and in some cases, the judgments will be hard.

Senator DENTON. So you would have to find something like positive evidence that would indicate the individual is planning to use it for terrorist purposes. Is that an accurate statement?

Mr. MATHESON. I do not want to say that there is a particular evidentiary requirement. But there is no presumption that everyone who applies should be denied.

Senator DENTON. Well, knowing the rather stretched nature of the FBI, and as an example, I pointed out earlier that they were not able to furnish us with certain answers in this field, are you confident that the FBI or some other agency could provide you with sufficient intelligence upon which to base those judgments?

Mr. MATHESON. Sir, we have a lot of faith in the agencies operating in this area, not only the FBI, but Customs, which has the primary enforcement responsibility for the ITAR. This is a new area for them. I am sure that they will adapt and do a good job. We have great faith in their capability.

Senator DENTON. Well, I certainly have tremendous respect for them because of the subcommittee's jurisdiction over the Drug Enforcement Administration and my familiarity with what Customs does in that field. I am somewhat doubtful, considering all the things they are doing, that they are going to be able to provide you with the kind of intelligence you need regarding individuals' backgrounds who may be enrolled in such courses, and yet did I not hear you express confidence that they would be able to do the job?

Mr. MATHESON. I think one of the advantages of a licensing procedure is the way in which it enables us to focus in on cases of specific concern. We would have laid before us all the relevant information, and we are able then to focus in on what is significant. In other words, we would have notice of all the instances in which we would have to focus investigative activities. We do have confidence administering such a system.

I cannot predict how thoroughly we will get the job done, but we will certainly try as best we can.

Senator DENTON. Have you had anyone apply under the revised ITAR regulations to train foreign persons? If so, what were the circumstances surrounding the application?

Mr. MATHESON. I understand that we have had no applications thus far under the revised regulation.

Senator DENTON. Senator Leahy.

Senator LEAHY. Ms. Toensing, do you feel that there is adequate personnel in the Department of Justice, and that includes the FBI, to handle counterterrorism matters?

Ms. TOENSING. Are you talking in regard to these kinds of violations, or are you talking about the whole counterterrorist——

Senator LEAHY. The whole counterterrorist movement.

Ms. TOENSING. I am not an expert in the whole counterterrorist area, Senator.

Senator LEAHY. Take this specific area. Do you feel you have adequate personnel in this area?

Ms. TOENSING. We feel at this time as we are starting out, that we have adequate personnel to look into these areas. As Mr. Matheson said, it is a new area, and we are trying to get a feel for it, so we can see what we need.

Senator LEAHY. Do you feel that we are behind the curve?

Ms. TOENSING. I am prejudiced. I always want to do more in the intelligence area.

Senator LEAHY. Mr. Richard, what do you think?

STATEMENT OF MARK RICHARD

Mr. RICHARD. I think we have over the past several years come to recognize the importance of this area and the need to upgrade our training efforts, our application of resources focused on this area. We have recently, for example, just concluded a conference where we have focused on matters of prosecution, making them more sensitive to the issues, having dealings with the problems, and these are the kinds of steps we are taking——

Senator LEAHY. Do you think, Mr. Richard, that we have a longstanding problem within the Department of Justice that there is a feeling that being involved in counterterrorism matters is not the best way to get recognition, other than from the FBI or within the Department of Justice?

Mr. RICHARD. No. On the contrary. I think prosecutors in the Department are sensitive to the importance of the area. I see no reluctance on their part to get involved, no hesitancy to grapple with the enormous problems of putting cases together.

Senator LEAHY. Do you see any reluctance on the part of FBI agents to take on this assignment as compared to one that might offer a better chance for promotion?

Mr. RICHARD. Senator, I see no indication.

Senator LEAHY. Have you seen any hesitancy on the part of FBI agents to accept assignments in places where they can do the most to combat terrorism, on account of financial reasons?

Mr. RICHARD. On the contrary.

Senator DENTON. I am sure neither Senator Leahy nor I mean to impugn any other agency.

We have made some progress recently. For example, we have had the Judiciary Committees and Foreign Relations Committees meet jointly for the first time. There was not terribly good attendance, but it is a significant accomplishment to have had both committees involved in S. 2626. If I were to tell you horror stories about the ignorance that exists in this body, it would curl your hair.

We also have the Vice President's Task Force on Terrorism which has just been formed. I have learned recently that there are some Members of the House who are particularly well informed, but the vacuum of knowledge is just as big over there as it is here. So it is not just the State Department and Department of Justice who are ill-informed, it is us in Congress who are behind the power curve, in my view.

I would direct this next question to the Department of Justice. Normally ITAR regulations are enforced by the Bureau of Customs. However, the internal security of the United States is within the province of the FBI. Do you have an opinion as to which agency should have investigative responsibilities under ITAR regulations and will you give your reasons?

Mr. RICHARD. Senator, I believe it is premature to prove that there is any need to transfer jurisdiction in this area. Customs has performed well in this area dealing with munitions enforcement investigations. There is a good and effective coordination between the FBI and Customs, so that they work well together in the field. And I would suggest that it is too early to conclude that we have any jurisdictional problems flowing from the responsibility——

Senator DENTON. Excuse me, Mr. Richard. I do not mean to be rude, but we have frequent reference to the excellent performance of the Bureau of Customs. However, I believe those references are connected with export and import monitoring and so on. We are now dealing with the revised ITAR, which we have admitted has had no applicants, yet we have had many of these schools, and it just seems curious that we would have so much confidence in any bureau that has not dealt with this particular problem, and which may be sort of misassigned. That is what, frankly, I am getting at.

Mr. RICHARD. I appreciate the question, Senator. What I am suggesting is that because the regulations have been amended and are now much broader than they were before, I think it is premature to conclude that there is a need to change jurisdictional assignments. There may well come a point in time that we are faced with an exponential factor that we would recommend changes.

Senator DENTON. But you at this point do not have any free-formed impressions that maybe it should be set up in some other way?

Mr. RICHARD. There is good coordination between the two agencies, and we are in a position to monitor that issue. I am confident that we will take appropriate action.

Senator DENTON. May I address this to all of you. From your perspective, what further revisions could well be made to cover those areas not covered by the ITAR regulations in the general context of S. 2626?

In other words, between the ITAR regulations and S. 2626, there is a lot of room. Do you have any ideas in that area? Do you have any specific ideas about how to improve S. 2626?

Ms. TOENSING. In the Justice Department you are talking about two people who appeared in the Senate, Mr. Richard and me, last session and who were accused of being McCarthyites because we supported S. 2626. There are a lot of concerns in this area. Some of the concerns raised are the first amendment areas, and it is a very difficult area. We have to be very careful that we are not punishing a person's right to express certain ideas, and that is where we are right now. I guess it is a situation of give us some time to work with this and see where we are with it, and where we can find gaps after we work with ITAR.

Mr. MATHESON. Mr. Chairman, it is true that the revised ITAR does not cover theoretically all of the ground that the administration's proposed statute would have covered. It does, however, cover perhaps the most important ground, that involving the use of weapons and explosives. We would like to try to work with this change in the regulations and see if it meets our concerns.

If it does not, then we will——

Senator DENTON. I am not trying to make any change at all at this point. I just wanted to get your ideas. The revised ITAR are still relatively new, so I do not mean to imply that it is a waste or that we are in chaos, because we have not had any applications yet.

My preliminary information indicates that this school in question of Mr. Camper's is not in violation of the ITAR at the moment, in that he does not have foreign persons down there, although he has had. Not that I did a thorough investigation of that, but since we are on that subject, I thought I should mention that.

In May of this year a group of Sikh extremists were charged with conspiracy to assassinate Prime Minister Gandhi, and some of the Sikhs charged were trained at this school in Alabama, and we got negative press, particularly foreign press, and, understandably, especially in India.

What impact has the Gandhi assassination attempt had on the image abroad as seen in Foreign Broadcasts Information Service review of foreign broadcast media?

Mr. MATHESON. Our impression is, Mr. Chairman, that there has been a positive effect on our image as a result of our having taken effective law enforcement action to deal with this incident. Obviously, questions may be raised about what is termed mercenary training activity, but this particular case shows our law enforcement officials can act effectively.

Senator DENTON. Well, I wonder what would have happened if we had had provisions in place to have prevented the training in the first place, I am not that familiar——

Mr. MATHESON. I think most of the attention was focused upon this particular conspiracy——

Senator DENTON. You are highlighting the point that although the training took place here, the countering of the effort also took place as a result of U.S. action.

Mr. MATHESON. Probably I should defer to Justice for further comment.

Ms. TOENSING. That is a case that is pending, Senator.

Senator DENTON. I do not think there is going to be a whole lot of comment on it, but the generality is relevant.

Senator Leahy.

Senator LEAHY. The ITAR regulations governing the trafficking in arms, including individuals wishing to train foreign nationals, must have the approval of the Office of Munitions Controls in the Department of State. Were the ITAR regulations in place at the time of training the anti-Sandinista insurgents?

Mr. MATHESON. If it occurred last year, they would not have been, since the ITAR regulations only took effect on January 1 of this year.

Senator LEAHY. Is CMA still doing that, and would ITAR apply now?

Mr. MATHESON. I do not have any information on that.

Senator LEAHY. Would it be required?

Mr. MATHESON. Yes, if they were training foreign nationals.

Senator DENTON. Are you aware that the CMA is training individuals in this country?

Senator LEAHY. No. That is what I am asking.

Mr. MATHESON. The regulations would apply in this country or abroad if the training were given to foreign persons.

Senator LEAHY. And is there any inquiry into whether there is training of foreign nationals in this country or abroad now?

Mr. MATHESON. We have taken pains to make sure that our diplomatic missions in question are aware of the change.

Senator LEAHY. That can be like asking somebody to watch paint dry. I am concerned about what is happening here. Are you aware of any investigation within this country? If not, I will turn to Mr. Richard with the same question. Do you conduct investigations of CMA, or of any other groups in this country, for violations of ITAR regulations resulting from the training of foreign nationals for activities in Central America?

STATEMENT OF CLYDE BRYANT

Mr. BRYANT. Yes. The Customs Service in New Orleans has been keeping a rather close eye on the activities of those people affiliated with activity in Central America, particularly CMA, and others there in New Orleans.

Senator LEAHY. Have there been any requests for permission under ITAR this year by any groups in this country for the training of foreign nationals?

Mr. BRYANT. No, sir; there has not.

Senator LEAHY. I assume from that there has not been any permission for such training under ITAR regulations or any group within this country.

Mr. BRYANT. That is correct.

Senator LEAHY. Any group of Americans outside this country?

Mr. BRYANT. No.

Senator DENTON. What agency has the primary responsibility for investigating this?

Mr. BRYANT. The U.S. Customs Service.

Senator LEAHY. Are they authorized to make onsite investigations of paramilitary camps?

Mr. BRYANT. I would think so, yes, sir.

Senator LEAHY. So to date there has been no permission sought or given under ITAR.

Mr. BRYANT. No, sir.

Senator LEAHY. Are there any teeth in the ITAR regulations?

Mr. BRYANT. The penalty for violations is $1 million, or 10 years, or both, sir.

Senator LEAHY. I think $1 million would be a wee bit hard to come up with, and 10 years may be harder, but I do not know which would be more painful.

As usual there is a matter in the Intelligence Committee that requires my presence, and I would ask, you have always been so good about this, if I might have permission to submit some further questions.

Senator DENTON. Absolutely. And I want to thank you for the support of you and your committee.

Senator LEAHY. We have some matters involving this which I know you will be interested in and I have asked the staff to put together some materials for you specifically.

Thank you.

Senator DENTON. I would like to get in accurate context the position of the national media, the international media and the official position, particularly of the Indian Government, regarding the attempts made by students at Mr. Camper's camp. Was there an official protest lodged by the Indian Government when the facts of this case became known?

Mr. MATHESON. No, sir, not to my knowledge.

Senator DENTON. And you had expressed the apparent expression of the United States toward them was positive. I assume you were talking about officials, because we have a national and international media which are——

Mr. MATHESON. My understanding of it is that the Indian reaction was positive, in that we did take action to prevent this action from taking place.

Senator DENTON. Are you talking about the Indian press reaction?

Mr. MATHESON. I am not sure what the press reaction was, but the governmental reaction was very positive.

Senator DENTON. I can assure you that some of it was distinctly negative, and there was some distinctly negative reaction in the U.S. media. I am not sure that books written by media persons, a long serial article, have not constituted comparably substantial information as to that which has been originated within my own subcommittee and Congress in general. I do not know how to evaluate that which has been done within the State Department and so on, but there has been very responsible input and helpful input from media persons on this matter, as well as the occasional carelessness with which an individual might deal with it, or at least erroneous dealings with it, whether it was careless or not. I do not have the article with me right now, but as there were many erroneous subscriptions to the assassination attempts involved as a result of the training in that school. I do not have it with me right now, but to

quote from several what you might call conservative newspapers in my own State, which made errors regarding the identities of people, I believe one was respecting people with similar names, in the Japan airliner crash, one of the individuals identified, Lal Singh, was not, according to the FBI, the same person as a student with the same name. Singh, I think, means lion, and it is in almost everybody's name in India, so I can understand the error. It is a Sikh word. Nonetheless, there were some false conclusions drawn and false allegations made with respect to the activities of those individuals.

Do you have any recommendations from the Department of State that you would like to make at this time, sort of a statement of general attitude about the existence of mercenary camps in the United States other than what you have already stated?

Mr. MATHESON. We do want to have effective enforcement of the law under the regulations as they now stand. I think a large part of the current situation is the fact that the individuals who operate these camps and conduct this kind of training are not people who ordinarily would be familiar with the State Department's arms export regulations, and I think we have an education job to do. We are in the process of taking steps to do that, to make certain that those persons we can identify in the United States who may be involved in such activities are informed of their obligations.

We do not intend to be passive about this. We do intend to see to it that our regulations are known and enforced.

Senator DENTON. Ms. Toensing, do you all have any comment along those lines?

Ms. TOENSING. No, Mr. Chairman. We just intend to work in this area. We are working closely with the State Department, Customs, and the FBI, and we will probably be back up here to share our experiences with you.

Senator DENTON. Do either of you see any indication that movies which have come out glorifying the use of firearms are causing a growth in these schools? Do you see any connection there that is worth noting?

Mr. MATHESON. I really do not know how to evaluate that.

Ms. TOENSING. My three kids are still all right. That is my own evaluation.

Senator DENTON. The Department of Justice has enforcement responsibility for the three primary statutes dealing with the neutrality of a country, 18 U.S.C. 951, 959, and 960. Do you see these as forming an adequate predicate for the FBI to investigate the operation of these camps?

Mr. RICHARD. Well, they certainly do form a predicate within given situations. We have information that these camps may be in violation of the Neutrality Act. This would normally vary from situation to situation. At this point, though, what little we have seen, I think there is sufficient FBI predicate to enable them to go into these situations on selected cases in conjunction with and cooperation with other agencies.

Senator DENTON. We have heard that there are no applications pending under the recently revised ITAR regulations. Are you aware of whether or not the operation of these camps is in violation of any of the statutes that I have just cited?

Mr. RICHARD. Senator, I would have to defer to the FBI on that, whether there are any violations predicated on neutrality violations.

Senator DENTON. I will be asking each agency testifying today whether it has a policy by which a representative of that agency inspects these camps to be sure that they comply with existing Federal law. Is there any kind of curiosity manifested in concrete visits or monitoring of the camps going on, or do we wait for specific violation of law and then go backwards from there?

Mr. RICHARD. Well, I do not claim to be familiar with dealing with predicates for FBI investigations. Maybe the question is more directly put to the FBI, but I would say that certainly the BATF, to some degree, may have jurisdiction to perform the kind of activities that you have referred to, handling books, records, and so forth, pursuant to their authority.

If you are suggesting a licensing commission for these camps in the abstract, I think that would cause a lot of obvious problems and would have to be carefully studied. I am not sure there is any indication that there is a need for that at the present time.

Senator DENTON. Well, we will ask that you respond to written questions. I am sure I will have some. We have other members who will.

I would like to thank Mr. Richard, Ms. Toensing, Mr. Matheson, and Mr. Bryant for your testimony this morning, and we will ask you to respond promptly to written questions that may arise, and also ask you as this situation unfolds and as we gain more experience under the revised ITAR, that, without the solicitation from us, you help us try to deal with this. We are not posing ourselves as omniscient, as I previously remarked, and I think just good liaison might be better than specific occasions.

Ms. Toensing has indicated that she does work quite closely with us. That is true, and I talk frequently with Mr. Webster. But nonetheless, rather than initiate questions, I would appreciate it if you will offer suggestions or information as you perceive them to be useful to us.

I appreciate it very much. Thank you.

I will ask the next panel to come forward: Mr. Daniel Hartnett, Deputy Associate Director, Bureau of Alcohol, Tobacco and Firearms, and Mr. Wayne Gilbert, Deputy Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation.

STATEMENT OF A PANEL, CONSISTING OF DANIEL HARTNETT, DEPUTY ASSOCIATE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS; AND WAYNE GILBERT, DEPUTY ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. HARTNETT. Thank you, Mr. Chairman.

I welcome the opportunity to appear before this subcommittee today to discuss the role of the Bureau of Alcohol, Tobacco and Firearms in the investigations of paramilitary, survivalist, domestic terrorists groups and their training camps.

While domestic terrorism is the FBI's jurisdiction, we share intelligence when the case involves the illegal acquisition of firearms or

explosives, or possession of automatic weapons and destructive devices.

I would like to talk today about how ATF is investigating these organizations, from evaluating intelligence to the ways in which we focus on violations of the Federal firearms and explosives laws to target major criminal elements in these groups.

The names change, the membership varies, and the groups may move from one location to another, but by whatever name they may wish to give to themselves and their movement, their motivations and objectives are similar:

One: Many are anti-government, racist, and anti-Semitic;

Two: They have shown a willingness to commit violent crimes to further their cause and to support their movement;

Three: They stockpile arsenals of weapons—sometimes legally—often illegally and train their supporters to use those weapons. Even veteran law enforcement officers were surprised at the number of weapons seized last April in Arkansas from The Covenant, The Sword and The Arm of The Lord, commonly referred to as CSA.

ATF has made a significant impact on several of the more violent groups through the Federal firearms and explosives laws. Since 1983, we have arrested and prosecuted 56 defendants from groups known as: The Aryan Nation, The Order, the Ku Klux Klan, Posse Comitatus, and CSA.

We believe prosecuting the members of these groups for illegal possession and use of firearms is not sufficient. It is vital to go after those sources that illegally supply the guns, the explosives and other destructive devices the groups use to further their criminal activities.

Through our use of investigative reports, link analysis, our firearms tracing capability and other methods, we have identified illegal trafficking patterns and have moved to arrest the sources.

We know that many of these groups obtain their firearms from gun shows, flea markets and, in several instances, Federal Firearms Licensees. For example, in our investigations we have identified and arrested three major sources of weapons sold to members of The Order. The first, a licensee, was arrested and a search of his residence turned up illegal conversion kits for machineguns.

The second, another licensee, sold $12,000 worth of firearms, ammunition, silencer parts and machinegun parts to The Order member who subsequently was arrested for the April 1985 murder of a Missouri State highway patrolman. The third source provided illegal conversion parts for machineguns to not only members of The Order, but also to major narcotics dealers in the Pacific Northwest.

Many of you may remember the joint Federal-State operation at the CSA compound in Arkansas which ended, after a 4-day siege, with the arrest of James Ellison, the group's leader and two members of The Order who were in the CSA compound. Two weeks ago, Ellison was sentenced to 20 years in prison on Federal racketeering and weapons charges. Six other CSA members also were sentenced on various charges ranging from conspiracy to weapons violations.

At the CSA compound, agents found an array of weapons in a makeshift armory in the compound as well as buried throughout

the surrounding area. Ellison had conspired with other CSA members to manufacture silencers and to illegally convert semiautomatic firearms to full automatic. The acquisition of their arsenal involved the complicity of two Federal Firearms Licensees.

One licensee received proceeds from an armored car robbery, perpetrated by members of The Order to obtain weapons for the group. This individual entered into a conspiracy with a second dealer to falsify the records as to the true disposition of the firearms.

CSA has been watched closely by ATF since 1978, but the investigation intensified in June of 1984 when an Arkansas State trooper was shot and killed after stopping a van for a routine traffic violation. Richard Wayne Snell, a survivalist with CSA ties, was convicted of first-degree murder in that shooting. Snell's van was loaded with rifles, hand grenades, and silencers, one of which we traced to Ellison. Thanks to the efforts of all of the law enforcement agencies involved, after 4 days of negotiations, the arrests were made peacefully without bloodshed.

A search of the compound revealed a massive array of all types of weapons: 146 firearms; 30 machineguns; 9 silencers; 50 pounds of dynamite; 250 blasting caps; 5 pounds of C–4, a military explosive; 50 handguns; 35 destructive devices; 3 mines; 2 antiaircraft rockets; 1 tank-like weapon plated with one-half inch of steel; 2,300 feet of detonating cords; 1 LAW rocket; 1 booby trap device.

Agents found handguns tied to branches of trees, 20 different burial sites outside the compound filled with weapons, food, clothing, and money. With its huge arsenal of weapons, it was evident CSA members were prepared to fight a long and bitter battle.

Training in paramilitary tactics is an integral part of all survivalist groups—both violent and nonviolent organizations. CSA, for example, trained all members—including women and children—in using all types of weapons. In addition, CSA operated a 4-week paramilitary training course for members of other groups, plus any individuals who wanted to pay the fee. This course brought revenue to help them continue their illegal activities.

In 1984, ATF arrested five Klan members for violations of Federal explosives laws and conspiracy. The five members conspired to bomb a building belonging to a civil liberties organization. In another part of the country, a Grand Wizard of the KKK has been suspected of various criminal acts, including bombings, arson and firearms trafficking. ATF is now in the midst of Federal grand jury proceedings investigating this Klan leader. ATF has also been involved in the investigations and subsequent arrests of several Posse Comitatus members.

On January 24, 1985, two members and the leader of a regional Posse Comitatus group were convicted in St. Paul of Federal firearms violations, assault on a Federal officer and conspiracy to assault Federal officers. This joint investigation by Federal and State law enforcement officers stemmed from alleged threats by the group to bomb three Federal buildings and kill Federal officers. In October of 1984, agents executed four Federal search warrants and seized 50 firearms, including six unregistered machineguns, 4 unregistered hand grenades, 150 pounds of smokeless powder, and a large quantity of blasting caps, high explosives, and ammunition.

All three members opposed the Federal income tax laws and advocated the murder of any Federal officer who enforced these laws. The defendants rejected all Federal firearms laws and encouraged the unregistered possession of machineguns and bombs. One defense witness stated emphatically that a citizen should arm himself with any and all weapons.

Another example of the violence associated with some of these groups took place in Nebraska. Twelve machineguns, one sawed-off shotgun, and $250,000 of stolen property were seized at a survivalist camp. The two leaders of the camp, who were arrested, had subjected their members to sexual abuse, torture, and slavery. They are suspected of having killed a small child and a male in his midtwenties. Two badly decomposed bodies were recovered on the compound.

In closing, I would like to say that some survivalist groups are simply preparing themselves for what they see as a bleak future, filled with natural and manmade disasters. Their rhetoric is strong, but they break no laws. Other groups, such as the ones we have discussed today, are criminals, interested only in furthering their own causes, by whatever means possible.

We are in a unique position, because of our jurisdiction, to stem the illegal flow of firearms and explosives to these groups. We will continue to vigorously pursue any Federal or explosives violations being committed by members of extremist organizations.

In doing so, we are committed to the cooperative multiagency approach which has contributed to the success of the investigations to date. The key to solving the threat posed by violent groups is to successfully blend the knowledge, expertise, and jurisdiction at the various Federal, State and local law enforcement agencies.

I will be happy to answer any questions you might have.

Senator DENTON. Thank you, Mr. Hartnett.

Mr. Gilbert.

STATEMENT OF WAYNE GILBERT

Mr. GILBERT. Good morning, Mr. Chairman.

I am going to try to summarize the short statement I have here. I will skip some portions which are obviously already contained in the statement.

I am pleased to appear before you to testify regarding the FBI's experience with paramilitary mercenary training camps in the United States. It is difficult to discuss this matter without first describing the types of paramilitary and mercenary camps encountered by the FBI and other agencies in the course of our investigation. We have broken it down to three generalized categories.

The first category can be described as franchises or commercial establishments. This would include the type of camp where one could, for a fee, participate in a war game of limited duration. The goal in these war games is to attempt to capture the enemy's flag. Training in this instance is confined to a minimum, and the only weapons utilized fire dye marking projectiles. This type of franchise war game is becoming more popular and is discussed freely in the press. As late as September 19, 1985, the television networks in

the Washington, DC, area carried an advertisement concerning one of the "war games."

Another type of training camp fitting into the category of commercial establishments is that of security consultants. They have set up camps to afford highly specialized instruction to law enforcement, corporate security, and military organizations throughout the world. One such company in Los Angeles has provided training to over 100 police, military and security organizations in the English, Spanish, and French languages. This company has been a subcontractor for training to the International Association of Chiefs of Police for over 3 years.

The FBI has encountered several franchises or commercial establishments such as these in the States of California, Colorado, Missouri, Louisiana, Utah, and Washington.

The second category of training facilities consists of paramilitary and survivalist organizations. The FBI has identified 16 such facilities in the United States. These organizations are involved in providing differing types of programs to include firearms, martial arts, survivalist techniques and paramilitary training. The courses are usually offered once or twice a year for a period of several days.

Several of these organizations have come to the attention of the FBI because their members adhere to the philosophies of the extreme right and are supported by such groups as the Ku Klux Klan; Posse Comitatus; The Covenant, The Sword and The Arm of the Lord; and the Aryan Nations. These organizations by their very nature cater only to their memberships and generally do not permit membership by foreign nationals.

Paramilitary camps include training in firearms, guerilla and counterguerilla operations, planning, tactics, logistics, armed and unarmed combat, land navigation, and other military instruction. One of these camps, The Covenant, The Sword and The Arm of the Lord (CSA) Organization no longer conducts training operations as a result of FBI, Bureau of Alcohol, Tobacco and Firearms and local police action in Arkansas during April 1985. The CSA operations were halted utilizing existing firearms laws and several arrests were made under the RICO and Conspiracy statutes.

Other camps within this category still operate in the United States and many are currently under investigation by Federal and local law enforcement authorities for possible violations of the firearms laws, tax regulations and other State and local statutes. These paramilitary schools are currently operating in the States of Kentucky, Mississippi, Missouri, New Mexico, Pennsylvania, and Washington.

Survivalist camps offer training in the use of firearms (small arms), parachute jumping, scuba diving, wilderness survival, self-defense, and other related disciplines.

Senator DENTON. Excuse me, Mr. Gilbert. I have never had this in scale in my mind at all, and if you will, give us the list of States. We understand that your categorization here is generally lumpable into some that are not particularly dangerous and then some that are sort of remedial, and others that are more likely to be dangerous. If that is the case, could you start again? You say the law enforcement or security firm-connected ones are certainly relatively harmless; in fact, helpful. Are you indicating——

Mr. GILBERT. I would be glad to provide them at a later time. I can provide the specifics at a later time.

Senator DENTON. You do not have a list of the States?

Mr. GILBERT. No. I do not have that readily available. California is one I referred to.

Senator DENTON. The category in which you mentioned——

Mr. GILBERT. That is the second category. The paramilitary camps.

Senator DENTON. The last category, my State, like the one in Alabama?

Mr. GILBERT. Yes.

Senator DENTON. Then you will omit the first because it is not of concern. So you will give us those second categories again. We will put a pin up on those States. Would you do it again, please.

Mr. GILBERT. Kentucky, Mississippi, Missouri, New Mexico, Pennsylvania, and Washington State. Of course, this is not an all-encompassing list. This is a result of a general survey of our field offices asking them what you have knowledge of. They have not gone out and sought this information other than through law enforcement agencies.

Senator DENTON. Are you going to get a relatively accurate survey? We asked for one.

Mr. GILBERT. It is thought to be minimal, because we cannot go out and conduct an investigation unless there is some predicate. We can give you the information that we have that is available through the public source and law enforcement agencies.

Senator DENTON. You have advertisements in newspapers, and that sort of thing.

Mr. GILBERT. Yes. And what the local law enforcement agencies have, which is substantial.

Senator DENTON. How did you define the last category?

Mr. GILBERT. Alabama and Michigan.

Senator DENTON. And in your statement you say these camps generally are aware and advise students of the neutrality statutes.

Mr. GILBERT. Right. And they have a form that they will hand out that advises their trainees of the provisions of the neutrality laws that says what they will do is they will refer them to individuals outside the country that might be looking for mercenaries.

Senator DENTON. Well, because I happen to be a Senator from Alabama, I need to know as much as I can. The attorney general, I believe, of the State is conducting some sort of an investigation regarding State laws. I am not privy to that, but you categorized them as far as abiding by U.S. laws, and that they do take positive action of advising their participants of the relevant laws pertaining to their general activities.

Mr. GILBERT. Yes, sir. They are as aware of the statutes as we are.

Senator DENTON. That was the original information I got from the Bureau, and that is what I repeated to the press in my statement. I had no other authoritative agency to consult, so I wanted to make that clear.

Mr. GILBERT. We can provide you with copies of a typical agreement, if you like.

Senator DENTON. The one in Alabama, having referenced the two men who were involved in the assassination attempts, what would be your comment on that?

Mr. GILBERT. It is very difficult for me to discuss any aspect of that case, as you can understand, because it is in litigation. I would like nothing better than to set the record straight, but I am constrained because of the indictments in New York and in New Orleans.

I cannot go into too much detail on that matter, but the main thing is that the fact that plot was uncovered and was dealt with effectively.

Senator DENTON. I mentioned the relevancy of the successful interruption of the attempted assassinations, and I recognized that that is the subject into which we cannot go very deeply, but it is a factor which I hope the imagination of the rest of our society is able to deal with. Until we can make an assessment of what is involved, I have delved into almost every POW, MIA issue since I have been fortunate enough to have been returned home, and particularly since I have been in this office. It has come to my attention that there is a group known as the Private Delta Force which trains in the mechanics of rescue operations, and they train people to infiltrate the target, perform reconnaissance, formulate a rescue plan, execute a rescue and exfiltrate to an extraction point. This is public information, part of a pamphlet. They mention training on weekends in a place near Breezewood, PA. Training is patterned after ranger marine exercises. Are you aware of that operation and the fact that the fee is $50, and so on, or, as you say, do you wait until there is some evidence of a violation of law? I am not clear on your philosophical approach and your legal constraints here. I would like a qualitative statement from you as to what our shortcomings are in dealing with this problem, or tell me if you feel that we are exaggerating the problem.

Mr. GILBERT. Let me address the first point. No, I am not familiar with that organization, and based upon that public article, there would be no basis for an investigation because there is no indication of a violation of the statute.

Now, if information came to our attention or another agent's attention that they planned to go to another country and extract somebody, that is a different story. And we have had an investigation on neutrality laws on just what you are discussing, whether it is MIA's in Vietnam or other countries, but there again, we do not need evidence. We need a reasonable presumption that there is some conspiracy or some activity that is going on that is in violation of the law or, as we do with any situation. Such as like the attempt to kill the president of Honduras. We deal with that through intelligence, and, to be quite candid with you, I really think the intelligence is there. Not just the Bureau, but the BATF, Customs, the Agency. Central Intelligence is there, and I am not minimizing the danger of groups like the CSA, like Mr. Hartnett pointed out, or the Aryan Nation, and vigilance is always called for, but it is not a major problem for us at this time.

It is unusual in the last year that we have a resurgence in right-wing terror, but we have also had Puerto Rican terrorist groups

and KKK and other groups that we have had to deal with over the years.

Senator DENTON. Well, let me make it clear, as I stated very concisely when we began, that I am not trying to cast a nuance on the morality or immorality of such a group as the Private Delta Force. I do not think it is bad necessarily to train people to go get POW's, but I do not think they are trying to get them out of POW camps in this country. I am trying to find out what the law says about that.

You said you did not need the specific evidence but rather a reasonable presumption that there is some conspiracy or some activity that will be in violation of law. This group is saying that it is trying to provide special background in medicine, language skills, and, presumably, weapons, because when you talk about executing a rescue and extraction and you think about a raid, it implies the use of weapons. So it seems that we are dealing with possible firearms violations, and, beyond that, a reasonable presumption that they are going to train to go conduct some sort of a military operation in another country, paramilitary, or freedom-fighter, or whatever you want to call it. Yet it seems that we do not even have an interest in them and do not even monitor them. That is difficult for me to answer when people question me.

Mr. GILBERT. I do not think we have an interest in it. If there was some overt act, talk is cheap, but if there is some overt act taking place, we will learn of it.

If there is some reasonable indication that they are violating the law or conspiring to, we will implement an investigation; and we always have.

Senator DENTON. Well, as you know, Mr. Gilbert, we are going to be getting into the applicability or the suitability of Smith revisions of the Levi guidelines which permits you to do more than you used to be able to do, but that do not get you back to square one. Too often you are required to have some overt accomplishment which is illegal before you can conduct an investigation. My point is that you do not know about the existence of this Private Delta Force, and you did not include in your list the Nebraska group, which the BATF mentioned, from which they seized 12 machineguns, $250,000 in stolen property, and so on.

I would have to wonder if you are as interested or informed as the people who read the advertisements in the newspapers and then publish articles looking askance at these training camps.

I would think you would want to conduct a survey to find out at least where they are located. Knowing their location might be a first step in finding out if there is something wrong with what they are doing.

Mr. GILBERT. It is possible that that might be in order, Senator. I just personally do not know about that.

Senator DENTON. How about the Nebraska one, with criminal activity already being evinced?

Mr. GILBERT. Yes, sir. We are aware of that one, sir.

Senator DENTON. You just did not mention in your testimony or in the list of camps. So I guess we will—does the Nebraska one still exist?

Mr. HARTNETT. Most of the individuals, the three primary individuals, have been arrested and charged with murder. There were some individuals still left in the camp. They are gone now. All the weapons have been seized and the primary individuals arrested.

Senator DENTON. Well, to give an idea on the scale of known information, we were provided with information by BATF that as of June 1985, there were a total of 114,382 licensed automatic weapons, including submachineguns, 14,613 licensed silencers, and 18,544 licensed destructive devices in the country. I have heard you say, and I believe, that most of the people who possess these licensed devices and most of the licensed dealers are law-abiding citizens. What are the obligations and requirements under Federal law on the people who possess these licensed weapons or destructive devices?

Mr. HARTNETT. Well, sir, they must first make application for a license, must apply for a license. They cannot have a conviction of a felony. They must have a place of business. Any class 3 dealer, an individual who deals in machineguns or explosives, or has them for sale, he would have an inspection by our compliance operations. They would do a review of his business to ensure that he was maintaining the recordkeeping as to who they were going to. When an individual applies to purchase that, they must apply through us first. He is photographed and fingerprinted. There are measures that we take to ensure that they comply with the law. If we find that a machinegun ends up in the hands of an individual and is not registered, then we would go back immediately to the licensee. We try to conduct inspections at least once a year for class 3 licensees.

Senator DENTON. Well, maybe it is naive on my part, but it seems that there is a tendency on the part of everyone testifying to act as if we generally have a pretty good set of controls, and yet I match that with the surprise which everyone displays with respect to the number of destructive devices, including one tank-like weapon, one LAW rocket, one booby-trap device, with the handguns tied to branches of trees, food, clothing, and money that was seized by the BATF indicating that the CSA was prepared to fight a long and bitter battle.

Well, I would think an American citizen would wonder, seeing that kind of accumulation of weapons in the hands of some perhaps deranged, certainly violent and ill-motivated people, whether our laws are adequate to prevent that from recurring by virtue of what we have heard so far today. We are worried about the licensing of these people, and worried about whether or not they keep a list of the people to whom they sell the arms to, but we do not know anything about the people. We do not know anything about the concentrations of the equipment, and we are not even trying to find out.

Mr. HARTNETT. We have had the CSA organization under surveillance and have been monitoring their activities for many years. Of the 30 machineguns that were seized, 29 of them were originally manufactured as semiautomatic weapons, and 30 was the Lewis machinegun, which was originally manufactured as a machinegun, so these individuals could have gone out as they did, bought them legally, and then converted them at that time to machineguns, and that is what took place. And we were fully aware that they were

starting to stockpile weapons, and we did not know that they were converting them until later on in the investigation.

Senator DENTON. Well, I thought I heard one of you say that all the law enforcement agencies were surprised by the scale of arms-gathering that had taken place.

Am I correct in that?

Mr. HARTNETT. Yes, sir. I said that the mining of the roads in the locations, the explosives that they had picked up, their manufacturing of German-type grenades, this type of thing, was a surprise to us.

We did know of some of the title 1 firearms. We did not know they were being converted until later on.

Senator DENTON. Is it a violation of law for a licensee of a class 3 weapon to transfer custody of that weapon to another unlicensed individual for training purposes?

Mr. HARTNETT. Yes, sir. It would be. If it leaves the custody and control of an individual, it would be. However, he could take a machinegun, for instance, and show it to a person that was there for training. They could even fire it, as long as he stayed there and it was within his custody and control. An individual could not take it and go to somewhere else.

Senator DENTON. I guess what I am wondering about is that although one person gets a class 3 weapon from a supervised and authorized person, from then on informal transfers or secret transfers are possible, and you do not appear to be trying to keep track of those.

Mr. HARTNETT. Well, once a person has a machinegun, a licensee, it is his. He cannot transfer it to anyone unless we know about it, unless he does it illegally. We would account for every weapon he had as far as the transfers that he is talking about in his training camp. If he gave it to another individual from another country and he left with it, it would only be a matter of time until we found out.

Senator DENTON. You mean when he used it?

Mr. HARTNETT. No, sir. Through the inspection of the license and accounting for the weapons that he has, his records indicate what firearms he is supposed to have in his possession. He can give it to somebody who is right there at the location as long as he stays with the weapon to fire, to hold, whatever. When there is a change in custody and control, then they must come to us. The transferee must pay a tax. He must be fingerprinted, if he does it legally.

Senator DENTON. Is there anything in the law, in the letter or the spirit thereof, other than the ban on training foreign nationals in this country which would tend to constrain a person from training others in the use of firearms?

Mr. HARTNETT. No, sir.

Senator DENTON. Should there be?

Mr. HARTNETT. I feel the controls we have now on machineguns are adequate. There are very few that are registered and come to our attention of criminal activity anywhere in this Nation. We find out about it. There are a few each year. It is the weapons that are converted to fully automatic that we do not have any control of that poses the biggest problem.

Senator DENTON. All of my questions are sort of slanted in one direction. I think we should take note of the fact that there are terrorists being trained in many, many countries in a vast array, many with very specific missions. We have, at least, made some effort to suppress uncontrollable violence using such weapons. I believe that is evident from the testimony we are receiving today, and I am not expressing an opinion as to whether or not we should have stricter controls. I am trying to determine that.

Mr. Hartnett, how many licensees of the title 2 weapons have been convicted of crimes involving title 2, class 3, weapons, silencers, or destructive devices?

More specifically, how many of the licensees have been convicted of crimes using fully automatic weapons?

Mr. HARTNETT. I would not have that immediately available. I think it would be very, very few, though. Back in the past year, last 3 years——

Senator DENTON. Less than a dozen, say?

Mr. HARTNETT. Oh, yes.

Senator DENTON. Less than 5?

Mr. HARTNETT. 5, 10. I could probably get you the number.

Senator DENTON. If you can, we would appreciate it.

Mr. Gilbert, are you satisfied that in the two attempted assassinations the FBI received information concerning the intended conspiracies within sufficient time to place an informant in an effective position within the conspiracy?

Mr. GILBERT. I am satisfied that the case was handled appropriately, and the results speak for themselves.

Now, again, I am constrained from going into details as to the sources we used and witnesses, et cetera.

Senator DENTON. The Washington Times has undertaken a series on the evolution of the Nation of Islam under the leadership of Minister Louis Farrakhan.

As you know, he has an ongoing relationship with Libyan strongman Muammar Qadhafi and has reportedly received funding from him. The thrust of one of the Times series is that Farrakhan has entered into alliance with Tom Metzger, Grand Dragon of the Klansmen in California. Metzger has in the past offered Klan members rifle and handgun training. If the NOI and the KKK were to join forces and engage in paramilitary training for their respective members, a major threat could arise for their perceived enemies, including nonconforming blacks, Catholics, Jews, and others.

If this should happen, this Senator would like to believe that the FBI would have the power to investigate such activity under existing laws and the current guidelines.

Under the Smith revisions of the Levi guidelines for domestic security investigations, would the mere existence of a paramilitary training camp as an adjunct to a white or black hate group, in the absence of any other evidence of a propensity toward violence, provide a sufficient predicate for the FBI to initiate an investigation of that group before any actual violence occurs?

Mr. GILBERT. Without referring to specific groups, I can assure you that any amalgamation between hate groups, any camp that was formed, that would come under that reasonable indication that

two or more persons were conspiring for social, political reasons to commit by force or violence violation of Federal law, absolutely there would be an investigation. It does not look at individuals. It looks at groups and all aspects. Whether there were camps, businesses, et cetera.

Senator DENTON. Having answered that question, have you any cases of such investigations having been initiated when there has been no violence, no informant information indicating any pending violence?

Mr. GILBERT. It is difficult to say. I can give you several examples over the years. Some of them have been adjudicated. Most of them, unfortunately, are in trial or pretrial state right now, but initially it was just criminal acts that were unrelated, and then they were pulled together, and we became aware of this existing group.

Generally, it has been source information and intelligence activities.

Senator DENTON. Now, you have indicated favorably to me that a reasonable indication of violence is, under the guidelines, sufficient to allow you to conduct an investigation. In the only examples I know of, such as the Aryan Nation example, there have been acts of violence.

Are you telling me that you have conducted a number of investigations in which a finding of actual violence was not necessary, that you have conducted successful investigations or at least conducted investigations with just reasonable indication?

Mr. GILBERT. Yes, sir; we have.

Senator DENTON. Can you give us some example of that, not necessarily now, but in classified writing, if necessary?

Mr. GILBERT. Yes, sir. I believe that is possible.

Senator DENTON. Does BATF have any knowledge of the Private Delta Force or anyone connected with that organization licensed to possess destructive devices?

Mr. HARTNETT. No, sir. We have no information on that particular group.

Senator DENTON. Mr. Gilbert, having heard remarks about confidence in the ability of the Customs Service in enforcing the ITAR regulations, do you have an opinion regarding the advisability of the FBI having a role in the enforcement of those regulations?

Mr. GILBERT. Yes. I think the FBI would definitely have a role, and we would handle any terrorist ITAR or title 18 violation.

I am not that familiar with ITAR. I am familiar with our ITAR, which is a different law, but the ITAR, in my opinion, is quite complicated and, quite frankly, it could use some clarification, possibly in the jurisdiction area. I think we share in some concerns over the BATF in having some role in the enforcement of ITAR as it pertains to some terrorist groups.

Senator DENTON. Well, we have heard that there have been no applications under the revised ITAR, so it is almost redundant to ask you if you have a very good working relationship with Customs in order to exert the——

Mr. GILBERT. We have a very good relationship with Customs. I think Customs would have a problem in working in countries that have a resource problem as we do. I think the BATF and ourselves

would be a more appropriate agency. That could be investigated by the agency.

I am not looking for more jurisdiction, believe me.

Senator DENTON. Well, anything that you and Customs come up with that would instill a feeling of confidence that you can and will operate effectively in the manner previously addressed will be helpful. I will ask you to submit at least a memo to us, since you say you are not familiar with that ITAR yet, within 30 days, of how Customs is currently looking at this thing.

Mr. GILBERT. Certainly. I would hope that BATF would have a role in that. They have a direct role with regard to munitions.

Senator DENTON. Let us ask the three of you to get together and submit what you think would be an ideal way of at least initially approaching the new assignment that Customs has. Most of the mercenary training camps do not receive the same notoriety as in Alabama. That would appear to be the case, from the way the discussion has gone today.

Do any of the agencies represented here today have any active liaison program to develop possible cases against or identify problems with mercenary or counterterrorist training camps?

Mr. HARTNETT. We have a program that we call our ITAR program, which are firearms that are recovered in foreign countries and are traced by us through our national tracing center. We go back and trace the sources of these weapons to the different States, and of course we go to State and local police departments. They know that we are interested in all illegal firearms traffic, explosives traffic, whatever the source. In every small town and urban area we have an excellent rapport with State and local law enforcement officials. Information about illegal firearms is received almost immediately, it does not usually take that long as Wayne said, before it comes to your attention.

Senator DENTON. This will be my last question before concluding the hearing.

Do either of you have any further comments to make that will give us more balance or a better perspective than we have achieved during this hearing today?

Anything on your minds?

Mr. GILBERT. Not particularly. We certainly appreciate the opportunity to appear before you. We do appreciate the committee's support, particularly.

[Prepared statement of Mr. Gilbert and responses to Senator Leahy's questions follow:]

PREPARED STATEMENT OF WAYNE R. GILBERT

Mister Chairman, I am pleased to appear before you to testify regarding the FBI's experience with paramilitary and mercenary training camps in the United States.

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Other camps within this category still operate in the United States and many are currently under investigation by Federal and local enforcement authorities for possible violations of the firearms laws, tax regulations and other state and local statutes. These paramilitary schools are currently operating in the states of Kentucky, Mississippi, Missouri, New Mexico, Pennsylvania, and Washington.

Survivalist camps offer training in the use of firearms (small arms), parachute jumping, scuba diving, wilderness survival, self-defense, and other related disciplines. They are generally set up to offer the participant the opportunity to learn survival skills under varing circumstances. Although the FBI has identified five organized schools offering this type of training in Colorado, Georgia, Pennsylvania, and Tennessee, it is assumed that many more of these survivalist-type schools may be operating as commercial establishments.

The last category I would like to discuss is that of the mercenary training camps. This category is very similar to the paramilitary and survivalist training camps and encompasses all the types of training offered by them in addition to providing information to their graduates regarding foreign employment in security and mercenary positions abroad. The FBI has identified two such schools in the United States; one in Alabama and one in Michigan. Both schools are known as "The Mercenary Association."

Participants in the Alabama school pay a fee to enroll in the mercenary/paramilitary camp during which they receive one week of combat and one week of survival, escape and evasion training. In the past the Mercenary Association has trained foreign nationals in these disciplines; however, there has been no information developed indicating that "terrorist" training has been offered to any of the attendees. As far as the mercenary training is concerned, consideration was given to whether or not these schools were violating any of the Federal Statutes by recruiting mercenaries; however, it was learned that the Mercenary Association specifically addresses this issue in a document given to all attendees under the caption of employment. A portion of this document reads as follows:

"This is to explain the position of the Association on employment of its membership. There are legal restrictions as to what type of employment we can offer—specifically the U.S. Neutrality Act which forbids us from being an agency or recruiter for mercenaries for a foreign government, and prevents us from training for a specific mission against a foreign government within the borders of the United States.

"To remain legal, we must restrict our assistance to the membership to the supplying of information on foreign employment, and leaving action to the individual.

"Many Mercenary Association members have worked overseas in security and mercenary positions, and many are currently employed now. They supply us with valid information that we may make available to the membership.

"Commercial security jobs (corporate security, construction security, etc.,) are often available both within the U.S. and overseas, and we have working relationships with several firms that need people that we train. We do not act as an employment agency, again simply supplying you with the contact and leaving the results to you and the prospective employer.

"The Foreign Employment training class given at the end of the bi-monthly two-week training meets held by the Association go into detail on the actual problems of international employment, and provides a realistic question-and-answer session for those seriously interested in foreign employment."

Although investigations have led to the successful prosecution of several members of paramilitary groups as outlined under category number two, it should be noted that the firearms violations fall within the primary jurisdiction of the Bureau of Alcohol, Tobacco and Firearms.

The FBI is concerned about the availability of this type of training to individuals who might utilize it for terrorist purposes. To this end the FBI can investigate these training camps when there are allegations of espionage, treason, illegal use of firearms, explosives and combustibles, and violations of the Foreign Relations Act. Through the use of existing laws the regulations and the excellent cooperation demonstrated by both Federal and local authorities, the FBI has been able to counter the activities of some of these groups, such as the CSA and the Aryan Nations, who would use this type of training for criminal purposes.

I will be happy to respond to any questions the subcommittee may have.

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

December 31, 1985

Honorable Patrick Leahy
United States Senate
Washington, D.C.

Dear Pat:

Enclosed are the responses to the questions you were unable to ask Deputy Assistant Director Wayne Gilbert at the October 2, 1985, Senate Judiciary Subcommittee on Security and Terrorism Hearing on Mercenary Training Camps and Extremist Groups.

If I may be of any further assistance to you, please do not hesitate to contact me.

Sincerely,

William H. Webster

William H. Webster
Director

Enclosure

RESPONSES OF WAYNE GILBERT

TO WRITTEN QUESTIONS OF SENATOR LEAHY

QUESTION 1:

In your prepared statement you say that The Mercenary Association does not, to the best of your knowledge, offer terrorist training to any of its foreign national trainees. What would constitute terrorist training? What specific training is TMA offering? Does TMA's statement, reprinted on page 5 of your prepared testimony, regarding the legal limits on the training it can offer, reflect TMA's actual practice?

ANSWER:

In answer to your question, while terrorist training is hard to define specifically, the type of training offered by The Mercenary Association (TMA) is essentially paramilitary-type training consisting of combat operations, escape and evasion, and special missions for military-type tactics. Attached is a copy of a page from The Mercenary Association Field Manual which lists specific areas addressed in TMA's training. Law enforcement authorities have not, at this time, learned of any illegal activities on the part of TMA.

While any military training certainly has application to terrorist activities, and this would include the basic military training offered by any country in the world to include training offered by the U.S. military, one would not identify legal, legitimate military training as terrorist training. Specific terrorist training might include, but not be limited to, instruction in building of bombs, instructions for kidnaping, or any methods which would instill terror or fear to a generally peaceful populace.

MERCENARY SCHOOL CLASSES, COMBAT "ESCAPE & EVASION" SPECIAL MISSION TEAM

Combat Operations Course	Escape and Evasion Course
Land Navigation	Advanced Land Navigation
First Aid	Advanced Field Medicine
Camouflage	Escape & Evasion
Supply & Evacuation	Foraging
Personal Equipment	Plants & Wild Game
Unarmed Combat	Fishing
Sentry Removal	Fire and Shelter Building
Knife Fighting	Diet
Night Operations	Health & Hygiene
*Rappelling	Snakes & Insects
Infiltration	Terrain Appreciation
Automatic Weapons	Field Living
Explosives & Demolitions	Effects of Heat/Cold on Survival
Mines & Booby Traps	
Commo & Signalling	Special Mission Team Course
Attack & Defense	
Field Intelligence	**contains all classes from Combat Ops & E&E Course, plus:
Use of Trails & Roads	
Recon & Combat Patrols	Deep Penetration Team Tactics
Ambushes	Evasion of Surveillance Devices
Sniper/Countersniper	Foreign Employment Class
Raids	
*Guerrilla Operations	

Training Scenario: The Combat Operations Course is framed as the first week of a two-week mission infiltrating a foreign country to accomplish a raid. The Escape and Evasion Course is the second week, with the Team escaping to a safe border, while under pursuit, without weapons or food, and carrying wounded.

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*Optional classes, employed for special course theme.
**May be exercised at the decision of the Training Officer.

QUESTION 2:

What information, if any, have you obtained on the activities of graduates of these mercenary training camps, regarding activities they have engaged in since completing their training?

ANSWER:

The only information this Bureau has regarding activities of graduates of any mercenary training camps is that information obtained during the Rite Cross investigation wherein Indian Sikhs who participated in the mercenary school in Alabama have been charged with attempting to murder a visiting Indian official in New Orleans, Louisiana. It should be pointed out that these individuals, after completing the course, advised the instructor that the training they received was not the specific training they were looking for and requested that training more tailored to their specific needs be provided. This specific training was not of the type taught at the mercenary school they attended.

QUESTION 3:

Have there been any charges filed under any of the following statutes, against any individuals connected with any mercenary counterterrorist group or mercenary training camp, in the past twelve months: 22 U.S.C. 2778/22 C.F.R. 120 et seq.; 18 U.S.C. 921 et seq.; 26 U.S.C. 5801 et seq.; 18 U.S.C. App. 1201 et seq.; 18 U.S.C. 841 et seq.; 18 U.S.C. 956 and 960? If so, what was the outcome of those charges?

ANSWER:

A definitive response to your question regarding individuals connected with any mercenary counterterrorist group or mercenary training camp being charged with violations of the various statutes you listed is not feasible. We have no method of retrieval based on statutory citations.

QUESTION 4:

How many members do groups like the "Order," Aryan Nations, and the Covenant, The Sword, The Arm of the Lord have? Where are the majority of them located?

ANSWER:

Thirty-seven individuals have been identified as members of the "Order," and have been arrested and/or charged as a result of the investigation into their criminal activities. The "Order" has other members that have not been charged. The exact number of other "Order" members is unknown, but it is believed not to number more than a few dozen. "Order" members are located throughout the United States, but their main base of operations is the Pacific Northwest.

The Aryan Nations is believed to be comprised of approximately 150 to 200 members, some of whom are also "Order" members. They claim a mailing subscription of some 4,000 individuals, many of whom are white convicts incarcerated in state and Federal penitentiaries. The Aryan Nations is headquartered in Hayden Lake, Idaho.

The Covenant, The Sword, The Arm of the Lord had 14 members who were identified as a result of an investigation into their criminal activities. These individuals have been convicted of various crimes, and have all been sentenced to terms ranging from probation to 20 years in prison. This group comprised the acknowledged leadership of The Covenant, The Sword, The Arm of the Lord. There are other members of The Covenant, The Sword, The Arm of the Lord who are not incarcerated, but their number is minimal. The Covenant, The Sword, The Arm of the Lord maintains a compound at Mountain Home, Arkansas, which is mostly inhabited by women and children.

QUESTION 5:

To what extent, if any, are these groups united in any cohesive movement?

ANSWER:

The "Order," Aryan Nations, and The Covenant, The Sword, The Arm of the Lord are united by a common philosophy based on racism and anti-Semitism. This philosophy is the basis of the "Christian Identity Movement," a religion that preaches that Christ was not a Jew, that the United States and the British Isles are the true Israel, and that Jews are the "spawn of Satan." Individuals from the Aryan Nations and The Covenant, The Sword, The Arm of the Lord were recruited by Robert J. Mathews as "Order" members because of their similarity of beliefs.

QUESTION 6:

According to an October 20, 1985, report in "The New York Times," 200 people from 15 extremist groups recently attended a meeting at the home of a former Ku Klux Klan leader in Michigan. At the gathering, 30 new members were inducted into the group "Aryan Nations," pledging to "never rest until there is erected upon this continent a national state for my people," and to "be warriors, never flinching, carrying the battle to the enemy."

Is this an isolated occurrence, or are such gatherings held often?

How many new members have been inducted into these groups in the past 12 months?

What weapons training do these inductees undergo? Are they issued weapons by their various groups?

Do they undergo paramilitary training? How many of such training camps exist, and where are they? How many members are trained, and in what tactics?

What sort of "military" hierarchy exists in these groups?

Do the members continue to operate as a paramilitary unit after completing their training?

ANSWER:

A gathering, as described above, is not a common occurrence. In fact, there have been no large-scale meetings

held in 1985 except for the gathering in Cohactah, Michigan, on October 5 and 6, 1985.

The Aryan Nations used to hold an annual Congress at Hayden Lake, Idaho, but the meeting was cancelled this year because of the adverse publicity generated by the arrests of numerous Aryan Nations members.

The number of so-called inductees during the past 12 months is unknown. The Aryan Nations is a secret group and the exact number of members is unknown, however, their total active membership is considered to number approximately 150 to 200 members.

The ceremony described above, according to Richard G. Butler, head of the Aryan Nations, was "a symbolic ceremony for the preservation of the race and the purity of the race"; it did not imply a commitment to action.

Members of the Aryan Nations espouse, among other things, a survivalist philosophy which necessitates their ownership of firearms. The groups themselves are not known to supply firearms, although weapons caches were established throughout the country for use by "Order" members. Members of the Aryan Nations do practice with their firearms, but it would be a mistake to characterize them solely as a "paramilitary" group.

The Covenant, The Sword, The Arm of the Lord did provide "paramilitary" training to members and to outsiders who paid fees for these services, however, The Covenant, The Sword, The Arm of the Lord discontinued these activities in 1982. Randall Rader, the former training officer for The Covenant, The Sword, The Arm of the Lord, joined the "Order" in 1984, and was in the process of setting up a training area in Priest River, Idaho, at the time of his arrest.

Aryan Nations members do conduct firearms training at Hayden Lake, Idaho, but it is individualized. It is not tactical or unit training, and should not be characterized as "paramilitary" in nature.

There is no structural military command or hierarchy existing in the groups mentioned above.

As stated above, there is no indication that these groups continue to operate as "paramilitary" units, as there is no evidence to suggest that these groups are currently engaged in formalized "paramilitary" training.

QUESTION 7:

How extensive is the connection between domestic hate groups and prison inmates?

ANSWER:

As mentioned above, the Aryan Nations has an extensive mailing list that includes numerous white convicts in state and Federal prisons. The Aryan Nations is the action arm of the Church of Jesus Christ Christian, also headed by Richard G. Butler, whose stated ministry is to incarcerated members of the Aryan race.

The Aryan Nations should not be confused with the Aryan

Brotherhood, a white prison gang specializing in extortions, loan sharking, protection rackets, narcotics and contract killings.

QUESTION 8:

How does the size of these groups today compare to three years ago? What is the explanation for this change in numbers (if there has been a change)?

ANSWER:

The "Order" was founded in the fall of 1983, and was not in existence three years ago.

The Covenant, The Sword, The Arm of the Lord has a greatly diminished membership, due to the arrests of the leadership of that group.

The known membership of the Aryan Nations remains at approximately 150 to 200 members.

QUESTION 9:

Are there particular kinds of individuals within the general population who are more likely than others to join these groups? What characteristics do these people have?

ANSWER:

The majority of members of these groups appear to be white males and females from a generally lower socio-economic level of society, are relatively unskilled, and do not possess much beyond a high school education; however, there are exceptions to every rule, and certain members of these groups are extremely articulate and well educated. It is impossible to attribute any special "characteristics" to a group member that would make him a more likely candidate for membership.

QUESTION 10:

Where do these groups obtain automatic weapons and explosives, or the components with which to make these weapons?

ANSWER:

The weapons seized in these investigations have, for the most part, been purchased commercially by group members. These weapons are easily converted to fully automatic by individuals who have minimal training as gunsmiths. Explosive material, such as black powder and dynamite, can also be purchased commercially.

QUESTION 11:

In the spring of 1985, the U.S. Attorney for the Western District of Washington State, said that the "Order" "has been neutralized." Is this in fact true? What remains of the "Order" today?

ANSWER:

The U.S. Attorney for the Western District of Washington was in charge of the prosecutive team that secured the indictments of 23 known "Order" members on a variety of racketeering charges. In addition, other "Order" members were arrested and convicted of various charges, ranging from harboring fugitives to receiving stolen property. These arrests took the "Order's" leadership and most radical members out of circulation. To date, there are two fugitives who are "Order" members who are at large. One of these was not involved in the racketeering indictments. Likewise, there are "Order" members who have not been charged with any crimes, but their numbers are minimal, and it is not believed that they have the organizational strength to significantly regroup at this time.

QUESTION 12:

Do you agree with William Baker, Assistant FBI Director for Domestic Security and Terrorism, that "there are a lot of people who might have sympathy for these groups?" (Newsweek, April 29, 1985, p. 35). If so, why and if not, why not? Who are the people who might have sympathy for these groups, and what are the reasons for their sympathy? How can the FBI or other agencies change this?

ANSWER:

In May 1985, the Anti-Defamation League of B'Nai Brith estimated that the membership of the Ku Klux Klan numbered some 6,000 to 6,500, while members of Neo-Nazi groups numbered some 500 individuals. These are approximations and includes only individuals that the Anti-Defamation League perceives as members.

These groups espouse racism and anti-Semitism, an overall hatred of the Federal Government, and the supremacy of the white race. This philosophy has a broad-based appeal to racists and others in our society.

The FBI can become involved in dealing with these sympathizers only when their activities cross that threshold that divides constitutionally protected activity from that which is violative of Federal law.

Age, Sex, Race, and Ethnic Origin of Murder Victims, 1984

Age	Number	Percent	Sex			Race				Ethnic Origin		
			Male	Female	Unknown	White	Black	Other	Unknown	Hispanic	Non-Hispanic	Unknown
Total	16,689		12,440	4,214	35	9,375	6,855	332	127	2,610	10,961	3,118
Percent[1]		100.0	74.5	25.3	.2	56.2	41.1	2.0	.8	15.6	65.7	18.7
Infant (under 1)	180	1.1	106	73	1	98	77	4	1	8	144	28
1 to 4	319	1.9	162	157	—	195	114	8	2	41	225	53
5 to 9	130	.8	61	69	—	70	53	7	—	12	98	20
10 to 14	191	1.1	102	89	—	124	63	4	—	28	125	38
15 to 19	1,240	7.4	889	351	—	669	546	21	4	225	786	229
20 to 24	2,694	16.1	2,006	688	—	1,443	1,196	42	13	510	1,688	496
25 to 29	2,833	17.0	2,206	627	—	1,466	1,305	55	9	513	1,834	486
30 to 34	2,191	13.1	1,732	459	—	1,160	981	40	10	391	1,432	368
35 to 39	1,696	10.2	1,322	374	—	950	703	38	5	277	1,129	290
40 to 44	1,207	7.2	949	258	—	692	479	33	3	182	805	220
45 to 49	844	5.1	666	178	—	500	321	21	2	116	576	152
50 to 54	716	4.3	587	129	—	441	258	17	—	83	483	150
55 to 59	574	3.4	439	135	—	376	185	13	—	53	404	117
60 to 64	480	2.9	352	128	—	305	168	4	3	37	335	109
65 to 69	310	1.9	212	98	—	194	111	5	—	12	228	70
70 to 74	301	1.8	195	106	—	187	106	7	1	20	222	59
75 and over	403	2.4	199	203	1	291	103	8	1	14	304	85
Unknown	380	2.3	255	92	33	214	86	7	73	88	143	149

[1]Because of rounding, percentages may not add to totals.

Victim/Offender Relationship by Race, Sex, and Ethnic Origin, 1984

[Single victim/single offender]

Victim	Total victims/ offenders	Offender									
		Race				Sex			Ethnic Origin		
		White	Black	Other race	Unknown	Male	Female	Unknown	Hispanic	Non-Hispanic	Unknown
Race											
White	5,372	4,739	544	56	33	4,729	610	33	1,205	3,331	836
Black	4,357	231	4,105	11	10	3,452	895	10	127	3,305	925
Other race	170	45	16	107	2	143	25	2	7	139	24
Unknown	38	10	7	.....	21	15	2	21	2	9	27
Sex											
Male	7,290	3,525	3,607	123	35	5,990	1,265	35	1,104	4,918	1,268
Female	2,609	1,490	1,058	51	10	2,334	265	10	235	1,857	517
Unknown	38	10	7	.....	21	15	2	21	2	9	27
Ethnic Origin											
Hispanic	1,338	1,148	163	17	10	1,223	105	10	1,080	228	30
Non-Hispanic	6,822	3,102	3,559	135	26	5,690	1,106	26	238	6,511	73
Unknown	1,777	775	950	22	30	1,426	321	30	23	45	1,709
Totals	9,937	5,025	4,672	174	66	8,339	1,532	66	1,341	6,784	1,812

Age, Sex, Race, and Ethnic Origin of Murder Victims, 1983

Age	Number	Percent[1]	Sex			Race				Ethnic Origin		
			Male	Female	Unknown	White	Black	Other	Unknown	Hispanic	Non-Hispanic	Unknown
Total	18,673		14,107	4,548	18	10,254	7,930	403	86	2,856	11,644	4,17
Percent		100.0	75.5	24.4	.1	54.9	42.5	2.2	.5	15.3	62.4	22
Infant (under 1)	220	1.2	111	108	1	134	82	9	5	25	137	:
1 to 4	346	1.9	197	149	—	176	164	6	—	40	218	1
5 to 9	135	.7	75	60	—	85	46	4	—	17	90	3
10 to 14	192	1.0	121	71	—	126	65	1	—	31	109	5
15 to 19	1,435	7.7	1,069	366	—	748	657	29	1	274	829	33
20 to 24	3,066	16.4	2,371	695	—	1,583	1,402	68	13	375	1,821	67
25 to 29	3,164	16.9	2,481	683	—	1,600	1,483	75	6	330	1,943	69
30 to 34	2,501	13.4	1,969	532	—	1,275	1,166	55	5	453	1,529	51
35 to 39	1,833	9.8	1,435	396	—	1,017	770	39	7	281	1,159	39
40 to 44	1,330	7.1	1,059	271	—	753	545	29	1	193	844	29
45 to 49	936	5.1	725	233	—	576	355	26	1	134	628	19
50 to 54	847	4.5	675	172	—	514	307	26	—	101	547	19
55 to 59	687	3.7	515	172	—	414	263	9	1	48	485	15
60 to 64	533	2.9	415	118	—	321	205	6	1	29	372	13
65 to 69	369	2.0	255	114	—	249	115	4	1	24	263	8
70 to 74	277	1.5	183	94	—	187	86	4	—	14	206	5
75 and over	489	2.6	229	260	—	357	127	4	1	24	358	10
Unknown	291	1.6	222	52	17	147	92	9	43	61	106	12

[1]Because of rounding, percentages may not add to total.

Victim/Offender Relationship by Sex, Race, and Ethnic Origin, 1983
[Single victim/single offender]

Victim	Total victims/ offenders	Offender									
		Race				Sex			Ethnic Origin		
		White	Black	Other race	Unknown	Male	Female	Unknown	Hispanic	Non-Hispanic	Unknown
Race											
White	5,851	5,163	592	66	30	5,099	722	30	1,408	3,424	1,019
Black	5,210	245	4,919	13	33	4,093	1,084	33	140	3,779	1,291
Other race	214	63	19	131	1	194	19	1	17	158	39
Unknown	27	8	5	.....	14	11	2	14	2	5	20
Sex											
Male	8,453	3,948	4,302	153	50	6,869	1,534	50	1,299	5,401	1,753
Female	2,822	1,523	1,228	57	14	2,517	291	14	266	1,960	596
Unknown	27	8	5	.....	14	11	2	14	2	5	20
Ethnic Origin											
Hispanic	1,519	1,317	181	7	14	1,392	113	14	1,240	212	67
Non-Hispanic	7,450	3,204	4,041	167	38	6,097	1,315	38	249	9,127	74
Unknown	2,333	958	1,313	36	26	1,908	399	26	78	27	2,228
Totals	11,302	5,479	5,535	210	78	9,397	1,827	78	1,567	7,366	2,369

Age, Sex, Race, and Ethnic Origin of Murder Victims, 1982

Age	Number	Percent	Sex			Race				Ethnic Origin		
			Male	Female	Unknown	White	Black	Other	Unknown	Hispanic	Non-Hispanic	Unknown
Total	19,485		14,748	4,723	14	10,799	8,235	370	81	2,808	11,985	4,692
Percent		100.0[1]	75.7	24.2	.1	55.4	42.3	1.9	.4	14.4	61.5	24.1
Infant (under 1)	228	1.2	121	106	1	134	82	9	3	25	151	52
1 to 4	352	1.8	183	169		195	147	8	2	34	224	94
5 to 9	158	.8	88	70		102	54	2		20	94	44
10 to 14	200	1.0	106	94		129	68	3		22	116	62
15 to 19	1,525	7.8	1,148	376	1	838	662	20	5	290	880	355
20 to 24	3,217	16.5	2,467	750		1,703	1,444	65	5	586	1,906	725
25 to 29	3,179	16.3	2,516	663		1,582	1,530	61	6	520	1,926	733
30 to 34	2,561	13.1	2,076	484	1	1,254	1,249	46	12	407	1,557	597
35 to 39	1,863	9.6	1,458	405		1,044	777	38	4	287	1,122	454
40 to 44	1,396	7.2	1,072	324		833	530	31	2	189	885	322
45 to 49	1,031	5.3	814	217		574	431	25	1	134	662	235
50 to 54	979	5.0	777	202		582	373	22	2	100	650	229
55 to 59	724	3.7	563	161		463	254	6	1	55	460	209
60 to 64	572	2.9	431	141		368	193	10	1	40	380	152
65 to 69	392	2.0	261	131		261	127	4		15	282	95
70 to 74	317	1.6	201	116		209	101	6	1	14	227	76
75 and over	484	2.5	237	247		354	118	11	1	11	350	123
Unknown	307	1.6	229	67	11	174	95	3	35	59	113	135

[1]Because of rounding, percentages may not add to total.

Victim/Offender Relationship by Sex, Race, and Ethnic Origin, 1982

[Single victim/single offender]

Victim	Total victims/ offenders	Offender									
		Race				Sex			Ethnic Origin		
		White	Black	Other race	Unknown	Male	Female	Unknown	Hispanic	Non-Hispanic	Unknown
Race											
White	5,945	5,291	566	64	24	5,174	747	24	1,309	3,533	1,103
Black	5,386	266	5,100	8	12	4,295	1,079	12	129	3,832	1,425
Other race	194	58	19	116	1	172	21	1	16	145	33
Unknown	27	9	2	.....	16	9	2	16	1	6	20
Sex											
Male	8,713	4,026	4,514	141	32	7,130	1,551	32	1,199	5,578	1,936
Female	2,812	1,589	1,171	47	5	2,511	296	5	255	1,932	625
Unknown	27	9	2	.....	16	9	2	16	1	6	20
Ethnic Origin											
Hispanic	1,432	1,252	162	12	6	1,320	106	6	1,176	205	51
Non-Hispanic	7,558	3,324	4,067	146	21	6,213	1,324	21	212	7,285	61
Unknown	2,562	1,048	1,458	30	26	2,117	419	26	67	26	2,469
Totals	11,552	5,624	5,687	188	53	9,650	1,849	53	1,455	7,516	2,581

Age, Sex, Race, and Ethnic Origin of Murder Victims, 1981

Age	Number	Percent	Sex			Race					Ethnic Origin		
			Male	Female	Unknown	White	Black	American Indian or Alaskan Native	Asian or Pacific Islander	Unknown	Hispanic	Non-Hispanic	Unknown
Total	20,053		15,498	4,538	17	10,831	8,782	125	185	130	2,737	11,982	5,334
Percent		100.0*	77.3	22.6	.1	54.0	43.8	.6	.9	.6	13.6	59.8	26.6
Infant (under 1)	182	.9	97	85		116	60	2	3	1	21	111	50
1 to 4	312	1.6	168	144		175	130	2	5		27	191	94
5 to 9	156	.8	92	64		95	56	1	3	1	16	79	61
10 to 14	214	1.1	106	108		127	83	1		3	23	115	76
15 to 19	1,588	7.9	1,190	398		893	658	10	13	14	330	846	412
20 to 24	3,295	16.4	2,587	708		1,695	1,529	25	26	20	542	1,953	800
25 to 29	3,310	16.5	2,671	639		1,589	1,658	28	24	11	506	1,966	838
30 to 34	2,748	13.7	2,228	520		1,350	1,341	14	32	11	383	1,631	732
35 to 39	1,805	9.0	1,445	360		936	836	10	21	12	252	1,071	482
40 to 44	1,401	7.0	1,132	269		792	584	12	10	3	205	847	349
45 to 49	1,102	5.5	872	230		636	450	4	9	3	118	699	285
50 to 54	1,049	5.2	855	194		593	433	8	12	3	84	678	287
55 to 59	808	4.0	635	173		487	309	2	8	2	68	532	208
60 to 64	578	2.9	437	141		347	224	2	3	2	25	383	170
65 to 69	374	1.9	260	114		240	128		5	1	16	242	116
70 to 74	285	1.4	193	92		188	90	1	5	1	17	179	89
75 and over	477	2.4	249	228		353	119	1	4		15	327	135
Unknown	369	1.8	281	71	17	219	104	2	2	42	87	132	150

*Because of rounding, percentages may not add to total.

Victim/Offender Relationship by Sex, Race, and Ethnic Origin, 1981

[Single victim/single offender]

Victim	Total victims	Total offenders	Offender										
			Race					Sex			Ethnic origin		
			White	Black	American Indian or Alaskan Native	Asian or Pacific Islander	Unknown	Male	Female	Unknown	Hispanic	Non-Hispanic	Unknown
White	6,212	6,212	5,444	683	27	23	35	5,434	743	35	1,290	3,566	1,356
Black	5,811	5,811	274	5,518	6	3	10	4,654	1,147	10	141	4,069	1,601
American Indian or Alaskan Native	86	86	24	7	53	1	1	72	13	1	6	61	19
Asian or Pacific Islander	94	94	26	11	1	56	.....	83	11	.....	11	75	8
Unknown	44	44	12	4	.....	.....	28	16	.....	28	2	4	38
Male	9,374	9,374	4,251	4,968	68	60	27	7,695	1,652	27	1,210	5,921	2,243
Female	2,829	2,829	1,517	1,251	19	23	19	2,548	262	19	238	1,850	741
Unknown	44	44	12	4	.....	.....	28	16	.....	28	2	4	38
Hispanic	1,433	1,433	1,235	184	3	5	6	1,313	112	6	1,180	198	55
Non-Hispanic	7,818	7,818	3,312	4,352	61	71	22	6,456	1,340	22	206	7,555	57
Unknown	2,996	2,996	1,233	1,687	23	7	46	2,488	462	46	64	22	2,910
Total	12,247	12,247	5,780	6,223	87	83	74	10,259	1,914	74	1,450	7,775	3,022

Age, Sex, Race, and Ethnic Origin of Murder Victims, 1990

Age	Number	Percent	Sex		Race				Ethnic Origin			
			Male	Female	White	Black	American Indian or Alaskan Native	Asian or Pacific Islander	Unknown	Hispanic	Non-Hispanic	Unknown
Total	21,860	.....	16,896	4,964	11,646	9,267	146	164	637	1,947	11,141	8,772
Percent	.....	100.0*	77.3	22.7	53.3	42.4	.7	.8	2.9	8.9	51.0	40.1
Infant (under 1)	211	1.0	121	90	117	88	.....	3	3	13	103	95
1 to 4	324	1.5	186	138	182	131	3	4	4	22	163	139
5 to 9	146	.7	70	76	89	50	.....	2	5	5	74	67
10 to 14	221	1.0	120	101	131	80	2	1	7	13	101	100
15 to 19	1,927	8.8	1,456	471	1,111	720	8	12	76	242	856	829
20 to 24	3,773	17.3	2,947	826	1,891	1,726	26	27	103	434	1,856	1,483
25 to 29	3,652	16.7	2,923	729	1,710	1,784	29	25	104	368	1,736	1,448
30 to 34	2,842	13.0	2,287	555	1,363	1,319	25	17	98	254	1,441	1,147
35 to 39	1,973	9.0	1,552	421	1,019	879	13	16	46	165	1,059	749
40 to 44	1,486	6.8	1,199	287	795	619	12	12	48	103	769	614
45 to 49	1,176	5.4	949	227	633	493	10	8	32	100	646	430
50 to 54	1,061	4.9	860	201	608	410	8	9	26	59	591	411
55 to 59	805	3.7	651	154	482	302	3	5	13	32	448	325
60 to 64	612	2.8	465	147	379	215	3	8	7	30	357	225
65 to 69	439	2.0	327	112	279	147	1	3	9	16	245	178
70 to 74	340	1.6	224	116	241	87	.....	5	7	8	194	138
75 and over	497	2.3	255	242	388	97	2	5	5	14	263	220
Unknown	375	1.7	304	71	208	120	1	2	44	69	132	174

*Because of rounding, percentages may not add to total.

Victim/Offender Relationship by Sex, Race, and Ethnic Origin, 1980

[Single victim/Single offender]

Victim	Total victims	Total offenders	Offender										
			Race					Sex			Ethnic origin		
			White	Black	American Indian or Alaskan Native	Asian or Pacific Islander	Unknown	Male	Female	Unknown	Hispanic	Non-Hispanic	Unknown
White	6,444	6,444	5,652	670	30	19	73	5,638	733	73	954	3,302	2,188
Black	6,165	6,165	261	5,847	7	1	49	4,872	1,244	49	73	3,735	2,357
American Indian or Alaskan Native	96	96	28	8	59	1	.....	84	12	.....	4	54	38
Asian or Pacific Islander	78	78	18	9	2	46	3	67	8	3	6	35	37
Unknown	245	245	21	42	1	.....	181	61	3	181	1	11	233
Male	9,811	9,811	4,433	5,150	80	50	98	7,975	1,738	98	866	5,397	3,548
Female	2,972	2,972	1,526	1,384	18	17	27	2,686	259	27	171	1,729	1,072
Unknown	245	245	21	42	1	.....	181	61	3	181	1	11	233
Hispanic	1,001	1,001	894	100	.....	2	5	931	65	5	849	132	20
Non-Hispanic	7,247	7,247	3,133	3,972	55	36	51	5,949	1,247	51	177	6,963	107
Unknown	4,780	4,780	1,953	2,504	44	29	250	3,842	688	250	12	42	4,726
Total	13,028	13,028	5,980	6,576	99	67	306	10,722	2,000	306	1,038	7,137	4,853

QUESTION 13:

The AntiDefamation League of B'nai B'rith reports 369 assaults or threats against Jews in 1984 - up 5.4% over 1983 - and 715 acts of vandalism, up nearly 7%. Has this trend continued during 1985? Similar trends have occurred against Black and Asian Americans. Are they continuing?

ANSWER:

The FBI does not keep statistics in which racial or religious breakdowns are made with regard to assaults, threats or acts of vandalism as referred to in your question.

The FBI Uniform Crime Reporting (UCR) program does, however, collect certain additional information about murder victims. (see the attached copies of pages from the last 5 UCR reports) In addition, an FBI/Bureau of Justice Statistics Task Force has recommended changes to the UCR, which if approved and properly funded will enable the UCR to collect characterizations of victims in certain crimes in addition to murder. (Enclosed is a copy of the Blueprint for the Future of the Uniform Crime Reporting Program).

QUESTION 14:

According to a March 4, 1985, article in Newsweek magazine, the Aryan Nations' two-day summer congress included demonstrations of guerrilla skills, such as building homemade detonation devices, planting explosives on bridges and railroad tracks, and igniting gasoline in city sewer systems. Is this true? What has the FBI done to stop this activity? How much of this training is going on within these groups, and how many members are being trained?

ANSWER:

During the 1984 Aryan Nations Congress at Hayden Lake, Idaho, Louis Beam, Jr., Ambassador at Large for the Aryan Nations, spoke for two days on "emergency preparedness." He discussed explosive devices which would be directed against railroads, bridges, utilities, and sewer systems. Beam alleged that, by destroying these facilities, it would cause chaos in the black communities which would cause widespread looting, requiring the full attention of the militia and local law enforcement. This would give Beam and his "operational units" the opportunity to strike.

It should be noted that these basic tactics are also set forth in a book entitled, "The Road Back," published by The Noontide Press, Post Office Box 1248, Torrance, California 90505. The Noontide Press is associated with the Institute for Historical Review, a revisionist group that denies the existence of the Holocaust during World War II. "The Road Back" is widely read by members of these groups.

It should be noted that 37 arrests have been made of individuals who were members of the Aryan Nations, the "Order," or both. These individuals were the most radical and violence prone in the group.

The Aryan Nations Congress was not held this year because of these arrests. There is no known ongoing training program involving the above-described tactics.

QUESTION 15:

There have been recent reports of computer links between hate groups in a number of states in the south and northwest United States. How extensive is this network? How many individuals use this system, and for what purposes?

ANSWER:

The so-called "Liberty Network" is a computerized system allegedly set up by Louis Beam, Ambassador at Large for the Aryan Nations, and a former computer salesman. The network can be accessed by anyone having a personal computer, and access is advertised through various "computer bulletin boards." Racial messages are transmitted over this system. The exact number of users of this system is unknown.

Senator DENTON. Thank you very much, gentlemen. You may receive written questions from me or other members of the subcommittee, and we will ask you to make written responses with 15 days from the time you receive the questions.

Thank you for your participation and the patience of those who came. The hearing is adjourned.

[Whereupon, at 12:00 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

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